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HOUSE OF REPRESENTATIVES

HEARINGS

BEFORE THE COMMITTEE

on

SELECT COMMITTEE ON ASSASSINATIONS

(Subcommittee on Assassination of President John F. Kennedy)

ASSASSINATION OF PRESIDENT JOHN F. KENNEDY

EXECUTIVE SESSION

Washington, D. C.

Thursday, November 16, 1978

Official Reporters to Committees

October 11, 1978

Mr. G. Robert Blakey
Chief Counsel and Director
Select Committee on Assassinations
House of Representatives
Washington, D. C.

Dear Mr. Blakey,

I have read the transcript of the testimony of the CIA's representative, Mr. John L. Hart, before your Committee on September 15, 1978.

As the former deputy chief of the CIA's Soviet Bloc Division, so prominently and so disparagingly featured in that testimony, I may be able to help the Committee to judge CIA's investigation of Lee Harvey Oswald's sojourn in the Soviet Union, as reported by Yuri Nosenko.

Specifically, I can correct certain misleading impressions left by Mr. Hart. I would call to your attention at least twenty errors, fifteen misleading statements, and ten important omissions in his testimony, many of them pertinent to your task and, together, distorting the entire picture.

Having been publicly dishonored by unfounded statements before your Committee, I ask for the courtesy of an opportunity to come before the Committee, publicly if you are to hold more public hearings, to answer not only for myself but also for the Central Intelligence Agency, which has misrepresented its own performance.

I mention below a few of the points of error and distortion, leaving many others to be discussed in person with the Committee. My comments refer to the line numbers in the draft transcript of Mr. Hart's testimony, and are keyed to the Committee's twofold purpose as you defined it: of evaluating the performance of the Agency and of weighing the credibility of Mr. Nosenko.

For clarity I have subdivided these as follows:

- 1) Effectiveness of CIA's performance:
 - a) in getting the facts about Oswald from Nosenko,
 - b) in investigating these facts.
- 2) Credibility:
 - a) of Mr. Nosenko's statements about Oswald,
 - b) of Mr. Nosenko as a source.

After discussing briefly each of these points, I will make, below, a few general comments on the CIA testimony, and will address myself to the matter of Nosenko's treatment.

CIA's performance in getting the facts from Nosenko

The Committee Staff Report describes accurately the CIA's performance in this particular aspect of its responsibility. Referring to the Agency's questioning of Nosenko on July 3 and July 27, 1964, it says on page 7 that the CIA's questions "were detailed and specific about Nosenko's knowledge of Oswald. The questions were chronological and an attempt was made to touch all aspects of Oswald's stay in the Soviet Union." Moreover, CIA gave Nosenko a transcript of his own remarks so he could add anything more he knew or correct any errors. (Staff Report, pages 8-9)

Mr. Hart's confusing testimony had the effect of changing the Committee's appraisal. Not only giving the Agency a "zero" rating on all aspects of this case, he stated flatly that "There was no effort being made to get at more information he might have." (lines 2848-9) He thus led Mr. Fithian to suggest that the CIA had not even taken "the logical first step" of getting Nosenko's information (3622-8) and led the Chairman to conclude that no investigation of Oswald's activities as known to Nosenko had been made. (4095-8) In this Mr. Hart concurred. (4100)

In fact, CIA got from Nosenko all he had to say about Oswald. CIA's reports contained no less than those of the FBI, who questioned Nosenko as long as they thought they needed to. Your Committee seems to have been satisfied that in its 21 to 24 hours with Nosenko it, too, had got everything he had to say. That added only one new fact, about the KGB's voluminous surveillance reports on Oswald, which contradicted Nosenko's earlier reports and, as the Staff Report notes, in turn contradicted another aspect of Nosenko's story: that the KGB didn't watch Oswald enough to learn of his courtship of Marina.

One wonders, therefore, whether Mr. Hart would give your Committee a similar "dismal" or "zero" rating.

In fact, of course, there was nothing more to be got from Nosenko. If there had been, CIA would have gone doggedly after it, just as the FBI and your Committee would have. Your Staff Report said that Nosenko "recited" the same story in each of his three sessions with the Committee. The word is apt:

Nosenko had "recited" that story before, to CIA and FBI, each of whom questioned him carefully and systematically about it.

It is difficult, then, to accept the new judgment that CIA's performance on this aspect deserved a "zero." It could only be a result of confusion engendered by Mr. Hart.

CIA's performance in investigating Nosenko's reports on Oswald

By alleging general prejudice and misunderstanding on the part of CIA personnel handling this case, Mr. Hart confused the Committee on the specific question of CIA's investigation of Nosenko's information.

When Mr. Fithian asked specifically whether the CIA had made any attempt to verify Nosenko's information on Oswald's KGB contacts, Mr. Hart replied yes, but then interjected an irrelevant statement about a "climate" of "sick think"; his aim was presumably to leave the impression that even if another KGB man had confirmed Nosenko's statements on Oswald, these dismal CIA people wouldn't have believed him. (3666) Later Mr. Hart backed off even this degree of approbation, hinting that maybe, after all, CIA didn't investigate at all: "No such file (showing investigation via other defectors) came to my attention." (4177) But Mr. Hart knew very well that no other defectors knew about Oswald's connections with the KGB.¹

The truth lies in the Warren Commission report, cited in lines 4146-9, that CIA just didn't have other sources in the KGB or elsewhere in the USSR in a position to check Nosenko's story. This is not quite the same thing as saying, as the Chairman did, that "we now know that the CIA did not investigate what Nosenko did tell them about Oswald in Russia." (4166) The confusion stems from Mr. Hart's testimony.

If CIA's failure to have on tap another spy in the KGB who knew about the Oswald case constitutes "dismal" performance, then that should be so stated. The record as it stands, at least in the transcript, casts an unjustified slur on CIA's performance in this particular aspect of its task.

By the way, the coincidence that the CIA had even one KGB source on Oswald in Russia is worth the Committee's notice. Of the many thousands of KGB

¹ Defectors knowledgeable of internal USSR procedures and controls were queried by CIA concerning the whole story of Oswald in the USSR, and the results were reported.

people throughout the world, CIA had secret relations with only one, and this one turned out to have participated directly in the Oswald case. Not only once, but on two separate occasions: when Oswald came to Russia in 1959 and again after the assassination when the Kremlin leadership caused a definitive review of the whole KGB file on Oswald.¹ How many KGB men could say as much? CIA was thus unbelievably lucky to be able to contribute to the Warren Commission at all. (In view of other suspicions of Nosenko, the key word in that last sentence is "unbelievably.")

Credibility of Nosenko's statements about Oswald

The Committee's Staff Report ably pointed out the contradictions between Nosenko's various statements. Mr. Hart admitted, under Mr. Dodd's insistent pressure, that Nosenko's testimony about Oswald was "implausible" and even "incredible." (3431, 4353, 4396). He went so far as to recommend that it be disregarded. (3426, 3438, 3467)

However, Mr. Hart exhorted you to believe in the rest of Nosenko's reporting and to believe in Mr. Nosenko's good faith. (2656, 3252-78, 3348-55) In other words, he assured you that Nosenko's incredible and unusable testimony about Oswald did not come as a message from the KGB but only from the confused mind of CIA's advisor. Therefore, Mr. Hart would have you disregard it rather than read it in reverse.

To support this recommendation Mr. Hart said: "I cannot offhand remember any statements which he has been proven to have made which were statements of real substance other than the contradictions which have been adduced today on the Lee Harvey Oswald matter, which have been proven to be incorrect." (3253-8)

But the Committee only spoke to Nosenko about this one matter. Even so, the Committee detected no less than four or five contradictions. Could this, by extraordinary coincidence, be the only such case?

When it confronted Nosenko with his contradictions, the Committee encountered the range of Nosenko's excuses and evasions -- even before the CIA sent Mr. Hart to make these same excuses for Nosenko. Nosenko told the

¹ If memory serves, there was a third occasion, too. Did not Nosenko happen to be in the room in 1963 when a cable arrived in Moscow concerning Oswald's visa application in Mexico City?

Committee that he'd been misunderstood, that he didn't understand English, that he'd been under stress, drugged, or hallucinating. He would evade the question, saying you shouldn't ask him what he'd said before, but should ask about the conditions he'd been kept in. Mr. Hart's testimony must then have resounded like an echo in the Committee room.

Nosenko even told the Committee staff that he couldn't remember what he had said before. The oddity of this will not have escaped the Committee's notice. It shouldn't matter what he'd said before; he was supposedly talking of things he'd lived through: the KGB files he'd seen, the officers he'd worked with. If these were real experiences he need only recall them and his reports would, all by themselves, come out more or less the same way each time (within normal or abnormal limits of memory, and personality quirks, of which we are all almost as aware as Mr. Hart). As the Committee learned, Nosenko's reports did not come out straight, so Nosenko resorted to this bizarre excuse -- which makes the story appear more learned than experienced.

Nonetheless the CIA asks the Committee to take its word that this is the only time such things happened, the only such testimony by Nosenko that need be disregarded. But this is particularly difficult to accept on such an important matter. The Oswald affair, after all, was exciting worldwide interest, and at the time of the KGB's file review, Nosenko was already a willing secret collaborator of the CIA. One might expect his powers of retention to work unusually well here. Yet it is precisely on this matter that CIA tells you that Nosenko was uniquely fuzzy.

What the CIA did not tell the Committee, what was hidden behind Mr. Hart's "offhand" inability to remember other such bad performances by Nosenko-the-man-of-good-faith, was that this performance was in no way unusual. It was simply the way Nosenko reacted whenever he was interrogated in detail on important matters. Not only the contradictions, not only the changes in the story, but the excuses and evasions as well: all were standard Nosenko.

This brings us to the next subject.

Credibility of Nosenko as a source

This is clearly important to the Committee, which must decide whether Nosenko's contradictory testimony on Oswald was an aberration, as the CIA pleaded, or

Here are a few of the errors in the CIA testimony which might affect your decision:

1) Mr. Hart said, after having reviewed every detail of the case for six months with the aid of four assistants, "I see no reason to think that he has ever told an untruth, except because he didn't remember it or didn't know or during those times when he was under the influence of alcohol he exaggerated." (3352)

Comment: Ten years removed from this case, I can still remember at least twenty clear cases of Nosenko's lying about KGB activity and about the career which gave him authority to tell of it, and a dozen examples of his ignorance of matters within his claimed area of responsibility, for which there is no innocent explanation.

Never, before this testimony by Mr. Hart, was drinking adduced as an excuse for Nosenko's false reporting. He had no alcohol in his detention, during which he was questioned, as Mr. Hart reminds us, for 292 days. And not by the wildest excess of faith or credulity can all of the contradictions and compromising circumstances of the Nosenko case (none of which, oddly enough, did Mr. Hart mention) be attributed to Nosenko's faulty memory, which Mr. Hart seemed at such pains to establish.

2) Mr. Hart said that the suspicions of Nosenko arose from the paranoid imaginings and jealousy of a previous defector, whom he calls "X". Mr. Hart told you that "Mr. X's views were immediately taken to be the definitive view of Nosenko and from that point on, the treatment of Mr. Nosenko was never, until 1967, devoted to learning what Mr. Nosenko said." (2404-29, 2488-91)

Comments:

a) It was not X's theories which caused my initial suspicion of Nosenko in 1962. It was the overlap of Nosenko's reports (at first glance entirely convincing and important) with those given six months earlier by X. Alone, Nosenko looked good (as Mr. Hart said, 2375-9, 2397-8); seen alongside X, whose reporting I had not previously seen, Nosenko looked very odd indeed. The matters which overlapped were serious ones, including a specific lead to penetration of CIA (not a general allegation, as Mr. Hart misleadingly suggested on lines 2419-21). There were at least a dozen such points of overlap, of which I can still remember at least

- b) Later, our suspicions of Nosenko were deepened by concrete matters, not paranoid suppositions, and many of these lay outside Nosenko's own story and hence not explicable by his boasting, drinking, or whatnot.
 - c) Mr. Hart said that X "was masterminding the examinations in many ways." (2457) In fact X played no role at all in our "examinations" although he submitted a few questions and comments from time to time. The testimony of CIA on this point is inexplicable; its falsity must have been evident in the files Mr. Hart's team perused.
 - d) It is simply not true that "the treatment of Nosenko was not devoted to learning what Mr. Nosenko said." In the Oswald matter alone the Committee has the record of careful, systematic questionings in January and July 1964. Similar care was devoted to his other information. The results fill some of those forty file drawers to which Mr. Hart referred.
- 3) Mr. Hart stated, "Quantitatively and qualitatively, the information given by Mr. X was much smaller than that given by Nosenko." (2470)

Comments:

This breathtaking misstatement hides the fact that Mr. X, paranoid or not, provided in the first months after his defection information which led to the final uncovering of Kim Philby, to the detection of several important penetrations of Western European governments, proof (not allegation) of penetration at the most sensitive level of French Intelligence, and pointers to serious penetrations of the U. S. Government.

Mr. X gave, before Nosenko, the current organization and methods of the KGB, and it was Mr. X who first revealed both of the two KGB operations which Mr. Hart adduced as proof of Nosenko's good faith. (See (4) and (5) below.)

To be charitable to Mr. Hart, he admitted to the Committee (2434) that he is "not an expert on Mr. X's case." His testimony, however, suggests that he has not read the references to X in the Nosenko files.

4) Mr. Hart stated, "Mr. Nosenko was responsible for the discovery of a system of microphones within the U.S. Embassy in Moscow which had hitherto been suspected but nobody had enough information on it to actually detect it." (2328-32)

Comments:

- a) Mr. X had given approximate locations of some of the microphones six months earlier. Neither he nor Nosenko knew precise locations, but both knew the mikes were there and both could indicate some specific offices where they could be found. The actual tearing out of walls, which Mr. Hart describes, would have been done, and the microphone "system" found, without Nosenko's information.
 - b) Contrary to Mr. Hart's statement (2350-3) the KGB would "throw away" already-compromised information to build up a source. Mr. Hart simply hid from you the fact that this information was already compromised when Nosenko delivered it.
 - c) These microphones were all in the "old wing" of the Embassy. Nosenko also said, and carefully explained why, no microphones were installed in the "new wing." Mr. Edward Jay Epstein, in his book Legend, says that 134 microphones were later found there. I think this can be checked, via the State Department. It would seem to have been CIA's responsibility to tell you about this, once they had raised the subject of microphones to support Nosenko's bona fides.
- 5) Mr. Hart said, "A very high level KGB penetration in a very sensitive position in a Western European government was, on the basis of Mr. Nosenko's lead, arrested, tried, and convicted of espionage. There is no reason to believe that the Soviets would have given this information away." (2354-62)

Comments: Mr. Hart was presumably referring to a man we can here call "Y", although I do not entirely understand his reticence, for this case is very well known to the public.

Mr. Hart has made two misstatements here:

- a) Y's reports to the KGB were known to Mr. X, and the case had thus been exposed to the West six months before Nosenko reported to CIA. The KGB, recognizing this, cut off contact with Y immediately after X's defection. Y's eventual uncovering was inevitable, even though X had not known his name. Nosenko added one item of information which permitted Y to be caught sooner,

b) Therefore, contrary to the CIA testimony, there is a "reason to believe that the Soviets would have given this information away." The reason -- that Y was already compromised -- was perfectly clear in the files which Mr. Hart's team studied.

6) Mr. Hart told you that Mr. X had confirmed Nosenko's claimed positions in the KGB. (2431)

Comment: Mr. X said, on the contrary, that he had personally visited the American-Embassy section of the KGB during the period 1960-61 when Nosenko claimed to have been its deputy chief. X knew definitely that Nosenko was not serving there.

7) Mr. Hart said that DC/SB "had built up a picture which was based on a good deal of historical research about a plot against the West." (4809)

Comment: Like point (2) above, this is part of CIA's effort to belittle the case against Nosenko. My "picture" of Nosenko's role as a KGB provocateur was based on concrete factors, which as I have said above cannot be explained by Nosenko's personality flaws or memory. It was not based on "historical research," as Mr. Hart knew very well -- although it is, in fact, supported by a long history of Soviet actions of this sort.

At this point a word may be in order about Mr. Hart's contemptuous reference to "historical research." As I mentioned above, Nosenko's information in 1962 overlapped and deflected leads given shortly before by X, concerning spies in the U.S. Government. Now, a KGB paper of this period, perhaps what Mr. Hart would call a historical document, described the need for disinformation (deception) in KGB counterintelligence work. It stated that just catching American spies isn't enough, for the enemy can always start again with new ones. Therefore, said this KGB document, disinformation operations are essential. And among the purposes of such operations, as I recall the words of the document, the first one mentioned is "to negate and discredit authentic information the enemy has obtained." I believe that Nosenko's mission in 1962 involved just that: covering and protecting KGB sources threatened by X's defection. Does this sound like a "horrendous plot" conjured up by paranoids? It is a straightforward counterespionage technique, perfectly understandable to laymen. But Mr. Hart's purpose was not enlightenment, but ridicule.

The last of the four or five purposes the secret KGB document listed (purposes of counterintelligence disinformation operations) was "to penetrate deeper into the enemy service." By taking on Mr. Nosenko as a counselor, the CIA may have helped the KGB achieve this goal, as well as the first one.

What conclusions can be drawn from these and similar errors in the CIA testimony?

I would submit that despite these efforts to deride and dismiss the arguments against Nosenko, there is, as Mr. Helms testified, a solid case against Nosenko, of which the implications are very serious. The country is not well served by Mr. Hart's superficial and offhand dismissal of that case.

For if Nosenko is a KGB plant, as I am convinced he is, there can be no doubt that Nosenko's recited story about Oswald in the USSR is a message from the KGB. That message says, in exaggerated and implausible form, that Oswald had nothing whatever to do with the KGB, not questioned for his military intelligence, not even screened as a possible CIA plant. Even Mr. Hart finds it incredible and recommends that you disregard it. But his reasons are flawed, and can you afford to disregard it? By sending out such a message, the KGB exposes the fact that it has something to hide. As Mr. Helms told you, that something may be the fact that Oswald was an agent of the KGB.

The form and tone of the CIA testimony

It is against this grave background that I will comment on the general tenor of the CIA testimony.

The Committee and the public must have been struck dumb by the spectacle of a government agency falling over itself to cast mud on its own performance of duty.

When Mr. Dodd asked Mr. Hart if CIA had "failed in its responsibility miserably," Mr. Hart replied, in a classic of government advocacy, "Congressman, ... I would go further than that." (3188)

Mr. Hart's testimony -- one-sided, intemperate, distorted -- was carefully structured to influence rather than inform the Committee.

Mr. Hart went to special pains to force your thinking into a certain framework. He began his testimony defensively, citing all the factors which might have caused this defector to bear false witness: stresses, bad memory, drunkenness, the traumas of defection (shared, by the way, by all defectors), and even the "unreality of his situation." (2634) And then on to the revelations of mistreatment, which you are to accept as dismissing all evidence against Nosenko. "It is with (these mitigating factors) in mind that we have to approach everything that happened from 1962"(2498-9), plus of course the sheer bumbling incompetence of Nosenko's handling.

On the one hand CIA attacked with venom its own past performance, and on the other hand adopted an almost beseeching tone in defending a Soviet KGB person who, by CIA's own admission, had rendered invalid testimony about the assassin of an American president.

"You should believe these statements of Mr. Nosenko," Mr. Hart said. (3252) "Anything that he has said has been said in good faith." (3350) "I am only asking you to believe that he made (his statements) in good faith." (3275) "I am hoping that once these misunderstandings are explained, that many of the problems...which the staff has had with the questions and answers from Mr. Nosenko, and also allegations concerning him, will be cleared up and go away." (2124-31)

Confronted by Mr. Dodd with the specific contradictions which made Nosenko's story unacceptable, Mr. Hart fell back on declarations of faith. (3426, 3349)

In the heat of his defense of Nosenko and his attack on Nosenko's questioners, Mr. Hart jumbled together the conditions of 1962 (alleged drunkenness) with those of the confinement, leading Mr. Dodd to lay importance on Nosenko's drinking. (3243-4) He got over to Mr. Dodd the idea that hallucinations "probably" (3241) influenced Nosenko's performance under interrogation (by a subtle turn of phrase, lines 2870-73) -- while knowing that hallucinations were never a factor in the question-and-answer sessions. Noting that the CIA medical officer concluded that Nosenko had feigned his hallucinations (in periods of isolation) Mr. Hart could not restrain a knee-jerk defense, "but that was simply one medical officer's opinion." (2864) And finally, by spending his testimony on the handling of Nosenko, and the mistreatment, he succeeded in skirting all the facts of the case which are, after all, your concern.

Mr. Hart's emotional closing message (4883) with its catchy word "abomination," epitomizes his whole testimony.

That testimony shows none of the detachment of a self-styled "historian" proud of his high standards of scholarship. (4106) It sounds more like a man pleading a flimsy cause, urgently trying to make a point.

He left with the Committee, and the public, a picture of a small group of irresponsible half-wits, carried away by wild fantasies about horrendous plots, failing even to ask questions, much less to check out the answers, while hiding their vile misconduct and illegal thoughts from a duped leadership.

Since these impressions provide the background for Mr. Hart's description of the handling of Nosenko, they may be worth a closer look.

He created at least three impressions about the handling of the Nosenko case:

1) That it was the work of an isolated group of irresponsible people

Specifically, Mr. Hart repeated that it was a "small group of people...a very limited group" (2509) handling the case on the basis of a "belief" held closely by "a very small trusted group." (2518) He gets over strongly the impression that Mr. Helms was not properly informed. (4619, 3996-4019, 4632)

Contrary to Mr. Hart's testimony, every step was discussed with all elements concerned; suggestions were solicited, decisions were worked out in consultation. The leadership did not lose control or confidence.

If, indeed, the group concerned with the suspicions of Nosenko remained "very small" it was because if Nosenko was a KGB plant, there was a KGB spy within CIA. This is not the sort of thing one wants to spread widely.

2) That it was the work of incompetents

Mr. Hart succeeded in getting over to the Committee and the public an image of gross incompetence on the part of Nosenko's handlers. He led Mr. Dodd, for example, to ask if any of "these characters" are "still kicking around the agency, or have they been fired?" (4282) and to suggest that even if there had been a KGB conspiracy, we would not have been competent to detect it. (4199)

Mr. Hart got over this impression of incompetence in three ways:

- a) By repeating general, intemperately derogatory judgments and labels: He called the handling of "the entire case" (3189) -- including the competent parts noted above -- "zero", "miserable", "dismal," "counterproductive," and so forth, and hinted that the handlers were prone to wild fancies and illegal conduct.
- b) By withholding facts: Certain information Mr. Hart knew and failed to mention might have caused the Committee to wonder whether, after all, there might be more to this than the simplistic picture Mr. Hart drew. For example, he did not tell Mr. Dodd the following about "these characters":

- (1) That the people managing this complex case were senior officers with perhaps the most experience within the entire Agency in handling Soviet Bloc counterespionage matters.
- (2) That neither C/SB nor DC/SB tended to see shadows where they weren't. In our many dealings with Soviet Bloc intelligence officers as defectors or agents-in-place, we had, before Nosenko, never judged any of them to be KGB plants. If anything, I have been reproached for trusting them too far, as more than one defector will probably be willing to testify.
- (3) That in our service in positions of responsibility before, during, and after this affair, our performance was rated as superior, as CIA personnel records will confirm. If memory serves, even Mr. Hart judged my performance (and probably C/SB's) after this case as "outstanding." I was decorated for my service.

- c) By giving you false and misleading information:
Here are at least four examples:

- (1) Mr. Hart told the Committee the outright untruth that the work of C/SB and DC/SB "on this case had been discredited and had caused them to be transferred out of Headquarters to foreign assignments." (2529) We can produce witnesses, if necessary, to prove that this is false. Any "discrediting" came later, by Mr. Hart and others. We had asked, long in advance, for our particular assignments and got them when the posts came open in the normal course of events, both of us after long headquarters

- (2) Mr. Hart introduced a red herring about my Russian-language competence, which so misled Mr. Fithian that he spoke, without rebuttal by Hart, about an "English speaking person trying to take notes and writing down what this major potential defector was saying and then transcribing them and giving them to the Agency, right down through the interrogation." (3648-52) He led Mr. Dodd, too, to think there were "no verbatim accounts of some of the interrogations but rather notes taken by people who didn't have a very good knowledge of Russian." (3245-7) Hart could have saved a lot of time and confusion by reminding you of the simple truth that a Russian speaker was present at every meeting except the initial contact. In fact, there never was, after that initial contact, any problem of language, Russian or English. I concur with the FBI officer cited in the Committee's Staff Report, page 37: "There was no question about being misunderstood."
- (3) Mr. Hart stated falsely that discrepancies in the transcripts were "very important in the history of this case, because (they) gave rise to charges within the Agency that Nosenko was not what he purported to be." (2296-2302) I know of no lasting misunderstandings and none at all that importantly affected our judgment of Nosenko's bona fides. And why would the transcripts be important after January 1964, when Nosenko himself was on hand to be questioned?
- (4) By introducing the question of discrepancies in the transcripts Hart misled you in two other ways:
- He attributed them to my language deficiency when in fact the transcripts were made by a native Russian speaker who had participated in the meetings! How could I know there were errors in the transcripts?
 - He told you that another defector found 150 discrepancies in the transcripts -- but did not mention that it was I who brought that defector into the case, and caused him to review the tapes and transcripts! Mr. Hart falsely hinted that I chose to ignore the defector's findings.

By way of footnote to this theme, the Committee might be interested to learn that the "very thorough, very conscientious" defector cited by Hart in connection with the transcripts, who is indeed thorough and of high professional integrity and unique expertise on Soviet intelligence matters, reviewed the whole Nosenko case and was convinced that Nosenko was a sent KGB provocateur and had not held the positions in the KGB which he claimed. Mr. Hart seems to have forgotten to mention this.

3) That the case against Nosenko is nothing more than a paranoid notion: This theme runs clearly through Mr. Hart's testimony. I have already discussed certain aspects of it.

Mr. Hart incorrectly attributed the whole "misunderstanding" to grandiose fantasies of Mr. X. In discrediting X he mixes, in the Committee's mind, a theory about the Sino-Soviet split, a "plot" master-minded "by something called the KGB disinformation directorate," and the role in this imaginary plot of "penetrations at high levels within intelligence services" of the West, a plot in the continuing process of "exaggeration and elaboration." (2410-27)

Taken one by one in a somewhat calmer frame of reference, these points may merit the Committee's attention.

The Disinformation Directorate exists. Every defector from the KGB, including Nosenko, has confirmed this, and it has been steadily increased in size and importance within the KGB over the past decades. It offers a framework for the centralization and exploitation of just such compromised and innocuous information as Nosenko has provided to Western intelligence. It is active and CIA knows it. So why does a CIA spokesman try to present it as part of a paranoid fantasy?

Penetration of American Intelligence was suggested by specific leads given by Mr. X, which were deflected by specific leads given shortly thereafter by Mr. Nosenko. Mr. Hart is quite right to say that penetration is part of the problem. He gives false testimony if he denies these leads and says that we are dealing only with a theory or with general allegations.

Mr. Hart implies that all the doubts about Mr. Nosenko can be dispelled by the factors Mr. Hart cited: bad memory, drunkenness, misunderstanding, bad handling, and the rest. In fact, the defense of Mr. Nosenko uses these factors one by one to cover and explain away each of hundreds of specific points of doubt such as had never arisen in any of the scores of defections of Soviet Bloc intelligence officers before Nosenko. I have tried repeatedly to build a coherent picture of the entirety of Mr. Nosenko's story, and the circumstances surrounding it, using these excuses. Not only do they fail to explain the most important points, but they tend to contradict each other. Perhaps Mr. Hart's people have never gone through this exercise.

Here, in short, is Mr. Hart's message. The whole case against Nosenko is a theory about a "so-called plot" and is "sheer nonsense." (3920-1). The evidence against Nosenko is "supposed evidence."

The CIA's handling of Nosenko

This leads to the subject of Nosenko's treatment, especially his confinement. For if Mr. Hart succeeds in dismissing and deriding the case against Nosenko and all its implications, he robs the detention of its context and purpose, and truly makes it, as Mr. Dodd put it, "outrageous." (3421)

At the risk of repetition I remind you that:

- 1) There is a carefully documented body of evidence, not "supposed evidence", against Nosenko, beyond any explanations of bad memory or misunderstandings. It is not juridical proof, but it was taken very seriously by the Agency's professional leadership, who were neither fools nor paranoids.
- 2) Among the implications underlying the very real possibility that Nosenko was planted on CIA by the KGB are these two:
 - a) That Lee Harvey Oswald may have been a KGB agent.
 - b) That there was KGB penetration of sensitive elements of the United States Government.

Here are certain facts that Mr. Hart has hidden or distorted by the manner of his testimony:

- 1) Nosenko's treatment for the first two months after his defection was precisely the same as that given any important defector.
- 2) During that period Nosenko had ample opportunity to produce information, or to act in a manner, which might reduce or dissolve doubts about him.
- 3) During this period Nosenko, unlike genuine defectors, resisted any serious questioning. It was not that he was "drunk around the clock" as Mr. Hart put it; he was usually sober when he deflected questions, changed the subject, and invented excuses not to talk, even about isolated points of detail. It became clear that if he were to be questioned at all, some discipline had to be applied.
- 4) Reasons to suspect Nosenko (not paranoid notions) were growing and the potential implications to American security were becoming clearer. It was our duty to clarify this matter. Anything less would have been, in truth, the sort of dereliction of duty of which Mr. Hart falsely accuses us today.

Please bear in mind that I find this case (not its handling) just as "abominable" as Mr. Hart does. Its implications are ugly. It imposed immense and unpleasant tasks upon us, and strains upon the Agency which are all too visible today in your Committee's hearings. The case has served me ill, professionally and personally. But it was there; it would not go away. The burden fell upon me and I did my duty.

In doing it I was not let down at any time by the Agency leadership. They understood what had to be done and why, and they took the necessary decisions to make it possible.

And so Nosenko was detained.

- If there were reasonable grounds to suspect that he was a KGB plant, his detention was 1) necessary, 2) effective, and 3) a partial success, for it got Nosenko's story and his ignorance pure and unsullied by outside coaching, and this told us much about what lay behind.
- If the case against Nosenko was "sheer nonsense," then the detention was not justified.

Here is how Mr. Hart described the decision: "The next step, since the interrogations conducted by the CIA, which as I say were designed not to ascertain information so much as they were to pin on Nosenko the label of a KGB agent acting to deceive us, since nothing had been proved in the friendly confinement, the people running the operation determined that the next step would be... a much more spartan confinement..."

This misstates the case. Those early debriefing sessions were not designed to pin any label on Nosenko. (It is true that they did nothing to assuage our doubts and that during the same period we were learning things outside which tended rather to reinforce them.) If the results had been more promising we might have worked gradually around, in the questioning, to the points of doubt, and might thus have avoided any need of confinement.

The detention of Nosenko was designed initially to give us an opportunity to confront him with certain contradictions in his story. This would alert him to our suspicions and if he were still free he might, we thought, either redefect to the Soviet Union or "go public," either way removing our chances to get the data we needed to assess the truth behind his story of Lee Harvey Oswald and other serious matters.

Our aim was, as Mr. Hart said, to get a confession: either of KGB sponsorship, or of white lies which could, finally, form some believable pattern.

The results of this and subsequent hostile interrogations surprised us. Nosenko was unable to clarify any single point of doubt. Brought up against his own contradictions and our independent information, he admitted that there could be no innocent explanation (not even forgetfulness) or he would remain silent, or he would come up with a new story, only to change that, too, later. He did confess some lies, but they tended to contradict each other, not offer an innocent explanation for the oddities in his story. In fact, the hostile interrogation reinforced and intensified our suspicions.

After this series of confrontations, we had an opportunity, finally, to do something which would normally have been done first, with any cooperative defector: conduct a systematic debriefing, which he had resisted before his detention. We could, as Mr. Hart put it, "ascertain information."

Nosenko was cooperative. He even told his questioners that they were right to have thus removed him from the temptations of drink and women, and to have forced him to work seriously.

And so began months of systematic questioning under neutral, non-hostile, circumstances. Practically the full range of his knowledge was covered. An example

is the questioning on the subject of Lee Harvey Oswald in July, 1964, which the Committee's Staff Report called "detailed and specific." As the report states, "an attempt was made to touch all aspects." On each subject Nosenko was given an opportunity, as on the Oswald matter, to review the report and correct or amplify it. He was not drunk, not mistreated, not hallucinating, and there was never the slightest problem of understanding. (We should not confuse, as did Mr. Hart's testimony, the circumstances of one meeting in 1962 (language problem) with the whole operation, nor the conditions of 1962 (alleged drunkenness) with the conditions of confinement, nor hostile with non-hostile questioning.)

Simultaneously we were meticulously checking files and investigating outside, concerning every possible aspect of Nosenko's activities and reports. The results fill many of those file drawers of which Mr. Hart spoke.

What we learned suggested, uniformly, that Nosenko's stories about his career and personal activities in the KGB were not true. To deride these findings, to dismiss them as preconceptions, is to misrepresent facts clear from the files.

We found that the KGB operations Nosenko had reported, for example, were already known or had lost any value they had had to the KGB. This is not true of the reporting of any previous defector. That Mr. Hart, so eager to convince you of Nosenko's good faith, could cite as evidence only cases which had been uncovered by an earlier defector, gives you an idea. Two other KGB spies, an ex-U.S. Army NCO and the well-known case of Sergeant Robert Lee Johnson (the Orly courier-vault penetration), both of which Nosenko truly revealed for the first time, were useless: the NCO had never had access to secrets nor truly cooperated, Johnson had lost his access to the vault and was being publicly exposed by a neurotic wife. Such was the pattern, in addition to Nosenko's deflection of at least six specific leads given earlier by the KGB defector X.

Fact piled upon fact, creating a conviction on the part of every officer working on this operation that Nosenko was a KGB plant. Each had his own viewpoint; none was paranoid.

We conducted two more hostile interrogations, always increasing our knowledge, never relieving any suspicions, getting steadily closer to the truth, perhaps. But we got no confession.

All of this took time, and Nosenko stayed in confinement. As to the conditions of his detention, Mr. Hart has given many details. They do not seem directly relevant to the Committee's mission, for contrary to Mr. Hart's thesis, they did not materially influence Nosenko's reporting one way or the other, nor the question of Nosenko's bona fides. They cannot truthfully be adduced to dismiss the case against Nosenko. On the contrary these details, in Hart's testimony, tended to confuse the central problem before you: Nosenko's credibility and what lies behind his message to America concerning the KGB's relations with Lee Harvey Oswald.

However, if the detention could be dealt with as a separate and distinct topic, I am prepared to answer any questions I can on the subject.

The original justification for detaining Nosenko had been that he was in the United States under parole and it was the Agency's duty to prevent his harming the security of the United States. This could not last indefinitely. At the end of the efforts described above, we were still without the "proof" a confession would provide. We had only professional, not juridical, evidence.

Finally our time ran out and a decision had to be made about what to do about Nosenko.

The question of "disposal"

Here the extent of CIA's irrational involvement with Nosenko becomes blatant. Mr. Hart read (with relish, according to my friends who watched on TV) selected items from some penciled jottings in my handwriting which left with you the impression that I had contemplated or considered (even "suggested" as more than one newspaperman understood him) such measures as liquidation, drugging, or confinement in mental institutions.

I state unequivocally, and will do so under oath, on behalf of myself and anyone I ever knew in or out of the Central Intelligence Agency, that:

1) No such measures were ever seriously considered.

2) No such measures were ever studied.

(What "loony bin"? How "make him nuts"? What drugs to induce forgetfulness? I know of none now and never did, nor did I ever try to find out if such exist. The whole subject of "liquidation" was tabu in the CIA for reasons with which I wholeheartedly agreed then and still do.)

3) No such measures were ever suggested as a course of action, even in intimate personal conversations.

4) No such measures were ever proposed at any level of the Agency.

I do not remember making any such notes. However, I can imagine how I might have. Responsible as I was for this "abominable" case, I was called upon to help find the best way to release Nosenko -- without a confession but sure that he was an enemy agent. In an effort to find something meriting serious consideration, I suppose that I jotted down, one day, every theoretically conceivable action. Some of them might have been mentioned in one form or another by others; I doubt they all sprang from my mind. (I cannot even guess what "points one through four" might have been, the ones Mr. Hart declined to read because they were "unimportant." I guess that means they weren't damning to me.) But the fact that the notes were penciled reveals that they were intended to be transient; the fact that "liquidation" was included reveals that they were theoretical; and their loose, undignified language reveals that they were entirely personal, for my fleeting use only. In fact, none of these courses of action could have been morally acceptable to me, much less conceivable as a practical suggestion to higher authority.

Mr. Hart admitted, or proudly claimed, that he himself discovered these notes in the files. (4270) Although he recognized their purely personal nature, that they were not addressed nor intended for any other person, nor had any practical intent, he chose to bring them to show-and-tell to the Committee and the American public. Did he feel this a moral duty? Or was it simply part of his evident intent to deride and destroy any opposition to Nosenko? Could he have done it for personal spite? Whatever the answer, the

cost seems too high: he was discrediting his own Agency for a matter without substance.

I cannot remember any concrete proposal for "disposal" being made during my tenure. (You understand, of course, that "disposal" is merely professional jargon for ending a relationship.) The course the Agency eventually adopted seems, in retrospect, the only practical one. I think the Agency did well to rehabilitate Nosenko and, as I thought, put him out to pasture.

However, I cannot understand why they then employed him as an advisor, as a teacher of their staff trainees in counterintelligence. The concrete suspicions of Nosenko have never been resolved, and because they are well founded, they never will "be cleared up and go away." Mr. Hart and Admiral Turner may frivolously dismiss them, as they have done before your Committee, but the doubts are still there and it is irresponsible to expose clandestine personnel to this individual.

Conclusion

Mr. Hart's testimony was a curious performance. One wonders what could drive a government agency into the position of:

- trying to discredit and bury under a pile of irrelevancies the reasons to suspect that the Soviet Union sent to America a provocateur to mislead us about the assassin of President Kennedy;
- pleading irrationally and misleadingly in favor of a KGB man about whom serious doubts persist;
- misrepresenting, invidiously, its own prior actions;
- denigrating publicly the competence and performance of duty of its own officers;
- dredging up unsubstantial personal notes, left carelessly in a highly secret file folder, to falsely suggest in public the planning by its own people of the vilest forms of misconduct.

As the Congress is conspicuously aware, the veil of secrecy can hide irresponsibility and incompetence. But behind that veil the CIA used to maintain unusually high standards of honor and decency and responsibility, and did a pretty competent job, often in the face of impossible demands. The decline of these qualities is

laid bare by Mr. Hart's testimony -- to the Agency's discredit, to my own dismay, and to the detriment of future recruitment of good men, who will not want to make careers in an environment without integrity.

The Agency need not have gone so far. After all, Nosenko's bona fides had been officially certified. Those who disagreed were judged at its highest level to have "besmirched the Agency's escutcheon." Not only are they out of the way, but "everything possible" is being done to see that no one challenges Nosenko or his ilk, ever again. (4048) The Agency need only have said this much, and no more.

That Admiral Turner's personal emissary went so much further suggests that the Agency may not, after all, be quite so sure of its position. Perhaps it fears that the Committee, wondering about this defector's strange reporting and unconstrained by CIA's official line, might innocently cry out, "But the emperor has no clothes on!" This might explain the spray of mud, to cloud your view.

The above, I repeat, is but a preliminary statement, and is by no means all I have to say on these subjects.

You can reach me at the address and phone number on the first page. I presume, if I am permitted to appear before your Committee, that my travel expenses will be covered by the Committee.

Yours truly,

Tennent H. Bagley

C O N T E N T S

TESTIMONY OF:

PAGE NO.

TENNENT H. BAGLEY, Former Deputy Chief,
Soviet Bloc Division, Central Intelligence
Agency

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EXECUTIVE SESSION

ASSASSINATION OF JOHN F. KENNEDY

- - -

THURSDAY, NOVEMBER 16, 1978

- - -

House of Representatives,

Select Committee on
Assassinations,

Subcommittee on Assassination
of John F. Kennedy,

Washington, D.C.

The subcommittee met, pursuant to notice, at 10:20 a.m.
in room 2359, Rayburn House Office Building, the Honorable
Richardson Preyer (chairman of the subcommittee) presiding.

Present: Representatives Preyer, Dodd, Fithian, and Thone.

1 Mr. Preyer. A quorum being present, the committee will
2 come to order. The clerk, Miss Berning, is asked to call the
3 names of those authorized to sit on this committee.

4 Ms. Berning. You, Mr. Chairman; Mrs. Burke; Mr. Thone;
5 Mr. Dodd; and Mr. Fithian will be substituting for Mr. Sawyer.

6 Mr. Preyer. Thank you.

7 At this time the Chair will entertain a motion to close
8 the meeting.

9 Mr. Dodd. I would so move, Mr. Chairman.

10 Mr. Preyer. You have heard the motion. All those in
11 favor will answer to the roll call.

12 Ms. Berning. Mr. Preyer.

13 Mr. Preyer. Aye.

14 Ms. Berning. Mr. Thone.

15 (No response.)

16 Ms. Berning. Mrs. Burke.

17 (No response.)

18 Ms. Berning. Mr. Dodd.

19 Mr. Dodd. Aye.

20 Ms. Berning. Mr. Fithian.

21 Mr. Fithian. Aye.

22 Ms. Berning. Three ayes, Mr. Chairman.

23 Mr. Preyer. Our witness today is Mr. Tennent H. Bagley.
24 Mr. Bagley served as the deputy chief of the Soviet Bloc
25 Division of the CIA in 1962, at the time of Mr. Nosenko's first

1 contact with the agency in Geneva, Switzerland, and since that
2 time, has assisted in further interrogations of Mr. Nosenko.

3 I understand you have a prepared statement that you
4 propose to read to the committee and that statement includes a
5 letter dated October 11, 1978, to Mr. Blakey, the chief counsel
6 of the committee. Is it correct that you would like that
7 letter to be made a part of the record?

8 Mr. Bagley. If you would, please.

9 Mr. Preyer. But you propose to read the first part of your
10 statement.

11 Mr. Bagley. Yes, sir.

12 Mr. Preyer. Without objection, the letter dated October 11,
13 1978, will be made a part of the record.

14 (Insert:)
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1 Mr. Preyer. Mr. Bagley, after you are sworn, you will be
2 recognized to read your statement. I might suggest, after you
3 are sworn, Mr. Bagley, and before you read your statement, that
4 you might, for the record, give us your present occupation and
5 your present residence so that we have that basic information.

6 Will you stand at this time and be sworn.

7 Do you swear that the testimony you are about to give
8 this committee will be the truth, the whole truth, and nothing
9 but the truth, so help you God?

10 Mr. Bagley. I do.

11 Mr. Preyer. Thank you, Mr. Bagley. I recognize you at
12 this time.

13 TESTIMONY OF TENNENT H. BAGLEY, FORMER DEPUTY
14 CHIEF, SOVIET BLOC DIVISION, CENTRAL INTELLIGENCE
AGENCY

15 Mr. Bagley. Mr. Chairman and members of the committee, I
16 would like to make a few introductory remarks to introduce my-
17 self as the chairman has requested.

18 I was born in Annapolis, Maryland, 1925; served in World
19 War II for 3 years in the United States Marine Corps; attended
20 Princeton University, University of California, and the
21 University of Geneva, Switzerland, where I received a doctorate
22 of ^{political} science. I served in the CIA from 1950 on and specialized
23 there in Soviet and satellite operations. I had worked person-
24 ally at one time or another with most of the important opera-
25 tions involving these areas over that generation.

1 In 1962, I became head of the section responsible for
2 counterintelligence against the Soviet intelligence services;
3 and in '65 or '66, I was deputy chief of the Soviet Russia
4 Division.

5 When it was amalgamated with the satellite countries, in
6 '66 -- I believe perhaps '65, I became deputy chief of that
7 amalgamated division.

8 In '67 I went to Europe as a station chief in Brussels
9 where I retired in 1972 on the Agency early retirement program,
10 entirely, and I repeat entirely, on my own volition. I mention
11 that because these matters of performance and separation of
12 service have been raised in this committee.

13 I also would note for the record that my performance,
14 which I wouldn't otherwise mention, was consistently rated as
15 outstanding, and at the end of it I received an agency decora-
16 tion. Since then I have been a private consultant based in
17 Brussels where I represent American and European companies who
18 don't have formal representation in Europe, in the field of
19 avionics and chemicals, principally.

20 Now I proceed to my prepared statement, Mr. Chairman.

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4 I have come before your committee to reply to the
5 testimony of Mr. John L. Hart, who represented the Central
6 Intelligence Agency here on September 15, a testimony which
7 misled you and misused me.

8 As the former deputy chief of the Soviet Bloc Division of
9 CIA and directly responsible for the case of the KGB defector
10 Yuri Nosenko from 1962 to 1967, I can reply more accurately to
11 your questions and can bring you a better understanding of this
12 matter.

13 For one thing, I won't have to rely as did Mr. Hart on
14 archeological digs into those 40 file drawers of information.
15 Mr. Hart's 6-month expedition obviously failed to understand
16 what they dug up, and their leader was highly selective in what
17 he chose to exhibit here. For another, I will not disqualify
18 myself, as he did, from talking about Lee Harvey Oswald, one of
19 the most important aspects of the Nosenko case, nor about the
20 case of the earlier defector here called "X," which is a
21 critical factor in understanding Nosenko.

22 CIA's selection of Mr. Hart to study the Nosenko case, and
23 later to present it to you, came to me as a great surprise and
24 mystery. He seemed to bring few qualifications to the study of
25 the most sophisticated Soviet counterintelligence operations of

1 our generation. As far as I know he never handled a single
2 Soviet intelligence officer, and spent his career, as he told
3 you, remote from Soviet operations, in wars and jungles, as he
4 put it. As a result, he was able to tick off 60 years of Soviet
5 deception as a kind of paranoid fantasy, to make contemptuous
6 remarks about "historical research about a plot against the
7 West," and to use the revealing phrase, "I don't happen to be
8 able to share this type of thing -- "

9 Mr. Fithian. Mr. Chairman, may I interrupt long enough to
10 suggest we turn off Dr. Bagley's microphone. I think we can
11 hear him well enough.

12 Mr. Preyer. The fidelity of that is a little too high. It
13 tends to muffle your voice. You may continue.

14 Mr. Bagley. But "this type of thing" is what the Nosenko
15 case is all about.

16 Mr. Hart did not mention, and perhaps never studied, a
17 number of related cases bearing importantly on the question of
18 Nosenko's credibility. From his testimony you would never
19 guess at the existence of cases apart from but related to the
20 Nosenko case. Mr. Hart apparently did not bother to talk with
21 many of the best-qualified officers on these cases during his
22 6 months of research. When he came to me in 1976 he had not
23 even read the basic papers of the case and instead of talking
24 substance he asked about an irrelevant phrase from an 8-year-old
25 dispatch I had written -- a phrase he later brought up with you,

1 the bit about "devastating consequences," in distorted form and
2 out of context.

3 His testimony here seems not designed to enlighten your
4 committee, but to subject Nosenko's critics -- Mr. Hart's former
5 colleagues -- to vilification and ridicule. He left with the
6 committee a picture of a small group of irresponsible half-wits,
7 carried away by wild fantasies about horrendous plots, failing
8 even to ask questions, neglecting to check on what was said, and
9 all the time hiding their vile misconduct and illegal thoughts
10 from a duped leadership.

11 Mr. Hart told you a lot about Nosenko's mistreatment but
12 very little about Nosenko's credibility as concerns Lee Harvey
13 Oswald. He called on you to make an act of faith, as the CIA
14 seems to have done, in the good will and truth of a Soviet KGB
15 man who had rendered false and incredible testimony about the
16 assassin of an American President. I quote: "You should be-
17 lieve these statements of Mr. Nosenko," Mr. Hart said, "anything
18 he has said has been said in good faith." Then, avoiding the
19 subject of Oswald, he led you into a maze of irrelevant detail
20 about Nosenko's problems and CIA's earlier misunderstanding and
21 mistreatment of this defector. By spattering mud on Nosenko's
22 earlier handling, and particularly on me, Mr. Hart threw up a
23 cloud which threatens to impede your attempts to get at the
24 answer to the true question before you. And I ask you here to
25 focus on that question, instead of the irrelevancies.

1 That question, of course, is how and why a senior KGB
2 defector, directly responsible for important aspects of Lee
3 Harvey Oswald's sojourn in the Soviet Union, could deliver
4 testimony to this committee which even the CIA's representative
5 called "implausible" and "incredible."

6 Mr. Hart even said that if he were in your position, he
7 would simply disregard what Mr. Nosenko said about Lee Harvey
8 Oswald. He seems to have done just that, himself. But Mr.
9 Helms rightly labeled that a copout, and it is not clear to me
10 how Mr. Hart thought you could or would just pretend that the
11 question isn't there.

12 Of course, you can't. For today you are in the same posi-
13 tion I was in back in 1964, trying to make sense of Nosenko's
14 reports. You are investigating and evaluating Nosenko's report-
15 ing on Lee Harvey Oswald. I did not think, in my time, that I
16 could just shrug off Nosenko's bizarre story of Oswald with some
17 irrelevant and half-hearted explanation, as Mr. Hart did here,
18 and slide off into some other subject.

19 Mr. Hart did not explain what he thought you should
20 believe, or how this "incredible" testimony is compatible with
21 the claim that Nosenko has, by and large, told nothing but the
22 truth since 1962.

23 He said Nosenko's testimony to you was a unique aberration;
24 I quote: "I cannot offhand remember any statements which
25 (Nosenko) has been proven to have made which were statements

5 1 of real substance other than the contradictions which have been
2 adduced today on the Lee Harvey Oswald matter, which have been
3 proven to be incorrect." But the committee only spoke to
4 Nosenko about this one matter, and even so, the committee de-
5 tected at least six or seven contradictions from one telling to
6 another. Could this, by coincidence, be the only such case?
7 (I can tell you the answer is no; on the contrary, this was
8 typical Nosenko whenever he was pinned down on details.)

9 While extolling Nosenko's truthfulness, Mr. Hart spent a
10 surprising amount of time giving you reasons why Nosenko might
11 have lied or seemed to lie, such as drunken exaggeration, con-
12 fusion, emotional stresses, hallucinations, and the impact of
13 mistreatment. But that wasn't helpful to you, for none of
14 these things had anything to do with Nosenko's story about
15 Oswald. After all, Nosenko told the CIA and FBI his story about
16 Oswald before any mistreatment, and he told it to your committee
17 after any mistreatment, and no one thought he was drunk at any
18 one of those times.

19 So I will go back to the question here and see if I can
20 help you find an answer. There has to be some way to explain
21 how this direct participant in the events delivered incredible
22 testimony about them. There must be some explanation for the
23 differences in Nosenko's story at different times he told it,
24 for his excuses and evasions when confronted with these differ-
25 ences, and for his final refusal to talk any more about them

1 with your committee.

2 As we seek an answer to these questions, I ask you to keep
3 three things in mind:

- 4 - First, that at the time he reviewed Oswald's file for
5 the KGB, Nosenko was already a willing secret collaborator
6 of the CIA. Therefore, he must have been alert when
7 dealing with this matter of such obvious importance to
8 the United States and to his own country.
- 9 - Second, that Nosenko told us of some of these events only
10 10 weeks after they happened, so there wasn't time for
11 them to become dim in his memory.
- 12 - Third, that no one has suggested that Nosenko is mentally
13 unfit. Mr. Hart brought in the Wechsler test and other
14 psychological details merely to show Nosenko's relative
15 strengths and weaknesses, not to prove him a mental bas-
16 ket case. On the contrary, Nosenko claims to have risen
17 fast in the KGB, and he is regarded by his current
18 employers as "an intelligent human being" who "reasons
19 well." I am quoting Mr. Hart, of course, who also called
20 your attention to Nosenko's powers of "logical thought"
21 and his high score in "power of abstract thinking."

22 Aside from the irrelevant details about Nosenko's stresses
23 under mistreatment, and drunkenness, I found two things in Mr.
24 Hart's testimony which might bear on the Oswald story. First
25 and foremost, he spoke about compartmentation, bringing his own

1 experience to show how a person in any organization working on
2 the principle of "need to know" might not be aware of everything
3 going on, even in his own operations. Now, I suppose Mr. Hart
4 intended this as a contribution to Mr. Nosenko's defense;
5 certainly Mr. Nosenko had never mentioned it. The trouble is,
6 it doesn't apply to this story. Nosenko had said repeatedly, to
7 CIA and FBI and recently swore under oath to this committee,
8 that he was right there on the inside of any "compartment." He
9 personally reviewed the application of Oswald to stay in the
10 USSR in 1959 and he personally participated in the recommenda-
11 tion that the KGB should not let Oswald stay in the country and
12 in the decision not to notify the KGB sections which might
13 normally be interested in debriefing a man like Oswald. Nosenko
14 knew that the KGB leadership decided that they "didn't want to
15 be involved" with Oswald -- not to question him at all, not even
16 to screen him as a possible enemy plant. Nosenko personally
17 participated in the refusal of Oswald's visa request from
18 Mexico not long before the assassination of President Kennedy.
19 And after the assassination, Nosenko himself was told to review
20 Oswald's KGB file; and did so. He has insisted that if anyone
21 in the KGB ever talked to Oswald, he, Nosenko, would know about
22 it. So "compartmentation" explains nothing. Nosenko's story
23 rests essentially on his personal involvement and authority.

24 The second and last possible explanation which we can find
25 in Mr. Hart's testimony is Nosenko's odd memory, which Mr. Hart

1 took such pains to establish. After all, Nosenko seems to have
2 changed details of seven or eight aspects of the story at one
3 time or another. The trouble with this is, it doesn't touch the
4 heart of the story, the truly incredible part, Nosenko didn't
5 forget whether or not the KGB questioned Oswald; he remembers
6 sharply and consistently -- and insists, whatever other changes
7 he makes in his story -- that Oswald was never questioned by the
8 KGB. He knows that and remembers it, for he participated
9 directly in the decision not to.

10 Now that was all Mr. Hart offered. But I think we should
11 try every conceivable explanation. Here are a couple I can
12 think of.

13 Maybe Nosenko was merely boasting, exaggerating, building
14 things up a bit, especially his personal role. Maybe, for
15 example, he only overheard some KGB officers talking, didn't
16 hear it right, and then passed on an incorrect story to us as
17 his experience, to make himself look important in our eyes.
18 Maybe, under this interpretation, he honestly thinks his story
19 is true.

20 Another explanation, going a bit further, might be that he
21 invented the whole story. Perhaps, convinced that the USSR
22 wouldn't get involved in the assassination of an American
23 President (which is what we all tend to think), he invented
24 this story as a contribution to American peace of mind and to
25 international amity.

1 Both of these explanations run into trouble. Nosenko,
2 while in detention, had plenty of time and incentive to back off
3 a mere exaggeration, and did, in fact, admit a few minor lies.
4 But about this story he is adamant. Just recently Mr. Hart
5 tried to get Nosenko to come off it, but even in the current
6 climate of good will and trust, Nosenko refused. And remember,
7 too, that Nosenko volunteered to testify to his incredible tale
8 before the Warren Commission, and he swore to it under oath be-
9 fore your committee.

10 And there are other problems, too. If we begin to play
11 with the idea of fabrication we will have to ask just what parts
12 of the story were invented: did Nosenko also invent the high
13 KGB job which gave him "knowledge" of the Oswald case?

14 Anyway, CIA wouldn't accept this line of speculation. They
15 insist that Nosenko always talks in good faith, even if his
16 Oswald story isn't believable. They surely wouldn't want you
17 to think they had hired a fabricator as their advisor and
18 teacher.

19 And there is yet another obstacle to this line of thought,
20 and not the least important. We must not forget that the
21 Soviet Government itself has confirmed Nosenko's authority to
22 tell the whole story about Oswald. In Mr. Edward Jay Epstein's
23 book Legend he reports that an attache of the Soviet embassy in
24 Washington, named Agu, told him that Nosenko is the person who
25 knows most about Oswald in Russia, even more than the people in

1 Minsk whom Epstein applied vainly to go see.

2 No, I think we can all agree: Mr. Hart, myself, your
3 committee, Mr. Agu, and Mr. Nosenko: Nosenko was neither ex-
4 aggerating nor inventing nor forgetting nor was he compartmented
5 away from the essential facts of the story.

6 So what is left to explain this incredible testimony? I
7 can think of only two explanations.

8 Maybe Nosenko's story is true, after all. Let's overlook
9 for a moment the fact that everyone (except Mr. Nosenko) believes
10 the contrary, including Mr. Hart and today's CIA, including Mr.
11 Helms, Soviet specialists, and ex-KGB veterans in the West.
12 Let's also overlook the way Nosenko contradicted himself on
13 points of detail from one telling to another. Let's focus only
14 on the essential elements of the story, the ones which remain
15 constant. There are two: first, that the KGB never questioned
16 Oswald, and second, that the KGB never found out that Oswald
17 had information to offer them about interesting U.S. military
18 matters.

19 Here was this young American, Lee Harvey Oswald, just out
20 of the Marine Corps, already inside the USSR and going to great
21 lengths to stay there and become a citizen. The KGB never
22 bothered to talk to him, not even once, not even to get an idea
23 whether he might be a CIA plant (and although even Nosenko once
24 said, I think, that the KGB feared he might be).

25 Can this be true? Could we all be wrong in what we've

1 heard about rigid Soviet security precautions and about their
2 strict procedures and disciplines, and about how dangerous it is
3 in the USSR for someone to take a risky decision (like failing
4 to screen an applicant for permanent residence in the USSR)?

5 Of course not. Let me give you one small case history
6 which illustrates just how wrong Nosenko's story is. This is an
7 actual event which shows how the real KGB, in the real USSR,
8 reacts to situations like this. It was told by a former KGB
9 man named Kaarlo Tuomi, and can be found on page 286 of John
10 Barron's book, KGB. The story concerns (and from here on I
11 quote) "a young Finnish couple who illegally crossed the Soviet
12 border in 1953. The couple walked into a militia station and
13 requested Soviet citizenship, but the KGB jailed them. Continu-
14 ous questioning during the next 11 months indicated only that
15 the couple believed communist propaganda and sincerely sought to
16 enjoy the life it promised. Nevertheless the KGB consigned
17 them to an exile camp for suspects in Kirov province. Because
18 Tuomi spoke Finnish, the KGB sent him into the camp as a
19 "prisoner" with instructions to become friends with the couple.
20 Hardened as he was to privation, he was still aghast at what he
21 saw in the camp. Whole families subsisted in five-by-eight
22 wooden stalls or cells in communal barracks. Each morning at
23 six, trucks hauled all the men away to peat bogs where they
24 labored until dark. Small children, Tuomi observed, regularly
25 died of ordinary maladies because of inadequate medical care.

1 Worse still, the camp inmates, who had committed no crime, had
2 no idea when, if ever, they might be released. After only 3
3 days Tuomi persuaded himself that the forlorn Finns were con-
4 cealing nothing, and he signaled the camp administrator to
5 remove him. 'That place is just hell,' he later told Serafim,
6 his KGB supervisor. 'Those people are living like slaves.' 'I
7 understand,' Serafim said, 'but don't get so excited. There's
8 nothing you or I can do about it.'" That's the end of the
9 quotation.

10 So on the one hand we have a young ex-Marine, Lee Harvey
11 Oswald, from the United States; on the other hand we have a
12 simple Finnish family. Both say they want to live in Russia.
13 The Finns are questioned for 11 months by the KGB, then con-
14 signed indefinitely to a hellish camp for suspects. The Ameri-
15 can is not even talked to once by the KGB. The Finn's experi-
16 ence fits all we know about the true Soviet Union, from
17 Aleksander Solzhenitsyn and so many others, unanimously.
18 Oswald's experience, as Nosenko tells it, cannot have happened.

19 The second main point of Nosenko's story about Oswald was
20 that the KGB did not find out that Oswald had information to
21 offer about interesting military matters. Nosenko specifically
22 told your committee this. To demonstrate its falsity, I need
23 only quote from page 262 of the Warren Commission report,
24 concerning Oswald's interview with the American Consul Snyder in
25 Moscow on October 31, 1959, when Oswald declared that he wished

1 to renounce his U.S. citizenship. I quote: "Oswald also
2 informed Snyder that he had been a radar operator in the Marine
3 Corps, intimating that he might know of something of special
4 interest, and that he had informed a Soviet official that he
5 would give the Soviets any information concerning the Marine
6 Corps and radar operation which he possessed."

7 Nosenko didn't mention this. Apparently he didn't know it.

8 So I think we can safely agree with Mr. Hart that Nosenko's
9 story about Oswald is not credible, not true.

10 Up to this point we've tried five explanations and still
11 haven't found any acceptable one for Nosenko's story, its
12 contradictions, or his evasive manner when confronted with these
13 contradictions. But because you have to find an explanation,
14 just as I had to in 1964, I will propose here the only other
15 explanation I can think of -- one which might explain all the
16 facts before us, including Nosenko's performance before this
17 committee.

18 This sixth explanation is, of course, that Nosenko's
19 story, in its essence, is a message from the Soviet leadership,
20 carried to the United States by a KGB-controlled agent provoca-
21 teur who had already established a clandestine relationship of
22 trust with CIA for other purposes a year earlier. The core of
23 the Soviet message is simple: that the KGB, or Soviet Intelli-
24 gence, had nothing to do with President Kennedy's assassin,
25 nothing at all.

1 Why they might have sent such a crude message, why they
2 selected this channel to send it, and what truth may lie behind
3 the story given to us, can only be guessed at. If you like, I
4 am prepared to go into such speculation. But even without the
5 answers to these questions, this sixth explanation would make it
6 clear why Nosenko adhered so rigidly to his story. However
7 incredible we might find a message from the Soviet leadership,
8 learned and recited by Nosenko, we would find it difficult to
9 get him to back off it: discipline is discipline, especially
10 in the KGB.

11 Now, I'm ready to believe that Nosenko may have genuinely
12 forgotten some details of this learned story. I can also
13 accept that, on his own, he may have embroidered on it and got
14 caught when he forgot his own embroidery; this seems to fit the
15 facts we have, including Mr. Hart's description of Mr. Nosenko's
16 memory. This could explain Nosenko's differing descriptions of
17 the KGB file, and his accounts of whether there was or wasn't
18 careful surveillance of Oswald which would detect his relations
19 with Marina, and his change of name of the KGB officer who
20 worked with him on the Oswald case -- that sort of detail. It
21 would also explain why he told your committee repeatedly that he
22 didn't remember what he'd said previously. This wouldn't have
23 mattered if he'd really lived through the experiences he
24 described; his stories of them at different times should come
25 out straight, all by themselves. When, in fact, they didn't,

1 Nosenko resorted to this strange statement, which made his
2 story appear more memorized than experienced.

3 Now, I recognize that this is an unpleasant and troubling
4 supposition, a hot potato indeed. But please remember that
5 before coming to it, we had dismissed all the other explanations
6 possible. So we cannot simply slide over this as easily as CIA
7 does. It is a serious possibility, not a sick fantasy. In fact,
8 it is hard to avoid.

9 What is more, Nosenko's story of Oswald is only one of
10 scores of things that Nosenko said which make him appear to be a
11 KGB plant. If the Oswald story were alone, as Mr. Hart said it
12 was, a strange aberration in an otherwise normal performance,
13 perhaps one could just shrug and forget it. It is not. We got
14 the same evasions, contradictions, excuses, whenever we pinned
15 Nosenko down, the way you did on the Oswald story. Those other
16 matters, while not of direct concern to this committee, included
17 Nosenko's accounts of his career, of his travels, of the way he
18 learned the various items of information he reported, and even
19 accounts of his private life. More important, there were things
20 outside his own reporting and his own performance, which could
21 not be explained away by any part of CIA's litany of excuses for
22 Nosenko (which so strangely resemble Nosenko's own). All of
23 those irregularities point to the same conclusion: that Nosenko
24 was sent by the KGB to deceive us. That is, they point to the
25 same conclusion as our sixth possible explanation of Nosenko's

1 story about Oswald.

2 The CIA's manner of dealing with these points of doubt
3 about Nosenko's good faith (at least since 1967) has been to
4 take them one by one, each out of context of the others, and
5 dismiss them with a variety of excuses, or rationalizations:
6 confusion, drunkenness, language problems, denial that he ever
7 said it, bad memory, exaggeration, boasting, and coincidence --
8 hundreds and hundreds of coincidences. With any other defector,
9 a small fraction of this number of things would have caused and
10 perpetuated the gravest doubts. For the KGB does send false
11 defectors to the West, and has been doing so for 60 years. And
12 the doubts about this one defector were persuasive to the CIA
13 leadership of an earlier time.

14 Today, a later CIA leadership chooses to dismiss them. If
15 they only pretended to do so, to justify the release and re-
16 habilitation of Nosenko, that would be understandable. But they
17 must really believe in Nosenko, for they are using him in cur-
18 rent counterintelligence work and exposing their clandestine
19 officers to him, and bringing him into their secret premises to
20 help train their counterintelligence personnel.

21 They go much further to demonstrate the depth of their
22 commitment to Nosenko. They vilify their earlier colleagues who
23 disapproved of him. The intensity of Mr. Hart's attack on me,
24 and the fact that it was done in public, must have surprised
25 you, as it did others with whom I've spoken over the past weeks.

1 As Nosenko's principal opponent, I am made out in public as a
2 miserable incompetent and given credit, falsely, for murderous
3 thoughts, illegal designs, torture, and malfeasance.

4 The CIA had to go far out to invent these charges, which
5 are not true. Mr. Hart had to bend some facts, invent others,
6 and gloss over a lot more, in order to cover me with mud.

7 In fact, I have detected no less than 30 errors in his
8 testimony, 20 other misleading statements, and 10 major omis-
9 sions. They seem aimed to destroy the opposition to Nosenko,
10 and they have the effect of misleading your committee on the
11 significance of Nosenko's testimony about Oswald.

12 I will cite only a few of these points here. Others are to
13 be found in my letter to this committee dated October 11, 1978,
14 which I introduce as an annex to my testimony. I can, of course,
15 go into further detail if you wish. But I discuss below some of
16 the points most relevant to your appraisal of Mr. Nosenko's
17 credibility as concerns Lee Harvey Oswald.

18 First, Mr. Hart misled you badly on the question of
19 Nosenko's general credibility. It was stunning to hear him say,
20 after reviewing every detail of the case for 6 months with the
21 aid of four assistants, (I quote) "I see no reason" -- here I
22 repeat, "I see no reason" -- "to think that (Nosenko) has ever
23 told an untruth, except because he didn't remember it or didn't
24 know or during those times when he was under the influence of
25 alcohol he exaggerated." Even 10 years away from this case, I

1 can remember at least 20 clear cases of Nosenko's untruths about
2 KGB activity and about the career which gave him authority to
3 tell of it, and a dozen examples of his ignorance of matters
4 within his claimed area of responsibility, for which there is no
5 innocent explanation.

6 Excuse me just a moment and off the record.

7 (Discussion off the record.)

8 Mr. Preyer. Back on the record.

9 Mr. Bagley. The "influence of alcohol" cannot be much of
10 a factor, for as Mr. Hart reminds us, Nosenko was questioned for
11 292 days while in detention -- when he had no alcohol at all.
12 But Mr. Hart jumbled together the conditions of the 1962 meetings
13 (alleged drunkenness) with those of confinement, leading
14 Congressman Dodd to lay importance on Nosenko's drinking. He
15 even got over to Mr. Dodd, by a subtle turn of phrase, the idea
16 that hallucinations "probably" influenced Nosenko's performance
17 under interrogation. Yet Mr. Hart must have known that
18 hallucinations were never a factor in the question-and-answer
19 sessions.

20 Then, too, Mr. Hart misstated the early roots of our
21 suspicions of Nosenko. Mr. Hart said that they arose from the
22 paranoid imaginings and jealousy of a previous defector, whom he
23 calls "X." Mr. Hart told you, and I quote, that "Mr. X's views
24 were immediately taken to be the definitive views of Nosenko and
25 from that point on, the treatment of Mr. Nosenko was never,

1 until 1967, devoted to learning what Mr. Nosenko said." This is
2 not true, as a document in the files, which I wrote in 1962,
3 will make clear. It was not "X"'s theories which caused my
4 initial suspicion of Nosenko in 1962. It was the overlap of
5 Nosenko's reports -- at first glance entirely convincing and
6 important -- with those given 6 months earlier by "X." Alone,
7 Nosenko looked good to me, as Mr. Hart said; seen alongside "X,"
8 whose reporting I had not seen before coming to Headquarters
9 after the 1962 meetings with Nosenko, Nosenko looked very odd
10 indeed. The matters which overlapped were serious ones,
11 including a specific lead to penetration of CIA -- not a general
12 allegation, as Mr. Hart misleadingly suggested. There were at
13 least a dozen such points of overlap, of which I can still
14 remember at least eight. Nosenko's information tended to negate
15 or deflect leads from "X."

16 And this brings me to Mr. Hart's efforts to make you think
17 that the suspicions of Nosenko were based on foolish fancies
18 about "horrendous plots." Let me try to restore the balance
19 here. A KGB paper of this period described the need for dis-
20 information (deception) in KGB counterintelligence work. It
21 stated that just catching American spies isn't enough, for the
22 enemy can always start again with new ones. Therefore, said
23 this KGB document, disinformation operations are essential. And
24 among their purposes was "to negate and discredit authentic in-
25 formation which the enemy has obtained." There is some reason

1 to believe that Nosenko was on just such a mission in 1962: to
2 cover and protect KGB sources threatened by "X"'s defection.
3 Does this sound like a "horrendous plot" conjured up by
4 paranoids? It is known counterespionage technique, perfectly
5 understandable to laymen. But as I have said, Mr. Hart's
6 purpose was not enlightenment, but ridicule.

7 To prove Mr. Nosenko's credibility, Mr. Hart made a
8 breathtaking misstatement about the defector "X": "Quantita-
9 tively and qualitatively," said Mr. Hart, "the information given
10 by Mr. 'X' was much smaller than that given by Nosenko." Could
11 Mr. Hart really have meant that? Mr. "X," paranoid or not,
12 provided in the first months after his defection information
13 which led to the final uncovering of Kim Philby; to the first
14 detection of several important penetrations of Western European
15 governments; proof (not general allegations) of penetration at
16 the heart of French intelligence; and pointers to serious
17 penetrations of the United States Government. Before Nosenko
18 "X" uncovered the current organization and methods of the KGB,
19 and very large numbers of its personnel active in its foreign
20 operations.

21 And listen to this: It was Mr. "X" who first revealed both
22 of the two KGB operations which Mr. Hart adduced as of Nosenko's
23 good faith! They concerned microphones in the American Embassy
24 in Moscow and a penetration of one of our NATO allies.

25 As for the microphones, Mr. Hart stated that "Mr. Nosenko

1 was responsible for the discovery of a system of microphones
2 within the U.S. Embassy in Moscow which had hitherto been
3 suspected but nobody had enough information on it to actually
4 detect it." But Mr. "X" had given approximate locations of some
5 of the microphones 6 months earlier. Like Nosenko, he did not
6 know the precise locations, but he knew the mikes were there and
7 could indicate some specific offices where they could be found.
8 The actual tearing out of walls, which Mr. Hart mentioned, would
9 have been done, and the microphone "system" found, without
10 Nosenko's information. Contrary to Mr. Hart's statement the KGB
11 would "throw away" already-compromised information to build up a
12 source of theirs. Mr. Hart simply hid from you the fact that
13 this information was already compromised when Nosenko delivered
14 it.

15 Mr. Hart's other proof of Nosenko's credibility was as
16 follows: Mr. Hart said, "A very high level KGB penetration in a
17 very sensitive position in a Western European government was, on
18 the basis of Mr. Nosenko's lead, arrested, tried, and convicted
19 of espionage. There is no reason to believe that the Soviets
20 would have given this information away." End of quote. Now,
21 Mr. Hart was presumably referring to a man we can here call "Y"
22 although his case is very well known to the public. Did Mr.
23 Hart really not know, or did he choose to hide from you, the
24 fact that "Y"'s reports to the KGB were known to Mr. "X," the
25 earlier defector? The KGB, knowing this, cut off contact with

1 "Y" immediately after "X"'s defection. "Y"'s uncovering was
2 therefore inevitable, even though "X" had not known "Y"'s name.
3 Nosenko added one item of information which permitted "Y" to be
4 caught sooner; that is all. How, then, could Mr. Hart have said
5 "There is no reason to believe that the Soviets would have given
6 this information away"? The reason, that "Y" was already
7 compromised, was perfectly clear in the files which Mr. Hart's
8 team studied.

9 Mr. Hart also told you that Mr. "X" had confirmed Nosenko's
10 claimed positions in the KGB. This is not true. Mr. "X" said,
11 on the contrary, that he had personally visited the American
12 Embassy section of the KGB during the 1960-61 period when
13 Nosenko claims to have been its deputy chief, and knew definite-
14 ly that Nosenko was not serving there.

15 So these are some of the matters affecting Nosenko's
16 general credibility, which may be important to you when you
17 assess the meaning of Nosenko's incredible testimony on Oswald.

18 Now, Mr. Hart also distorted the CIA's performance in get-
19 ting the facts about Oswald from Nosenko. Your committee staff
20 report had it right, before Mr. Hart came forth. Referring to
21 the Agency's questioning of Nosenko on July 3 and 27, 1964, the
22 report says that the CIA's questions "were detailed and specific
23 about Nosenko's knowledge of Oswald. The questions were
24 chronological and an attempt was made to touch all aspects of
25 Oswald's stay in the Soviet Union." Close quote. Moreover, the

1 CIA gave Nosenko a transcript of his own remarks so he could add
2 any more he knew, or correct any errors. This is from your staff
3 report, pages 7-9.

4 But then came Mr. Hart with his sweeping denunciations of
5 CIA's "miserable" and "dismal" and "zero" performance, and
6 stating flatly that "There was no effort being made to get at
7 more information (Nosenko) might have." Mr. Hart thus led
8 Congressman Fithian to suggest that the CIA had not even taken
9 "the logical first step" of getting Nosenko's information and
10 led the chairman to conclude that no investigation of Oswald's
11 activities as known to Nosenko had been made. In this Mr. Hart
12 concurred.

13 In truth, of course, there was nothing more to be got from
14 Nosenko, unless it would be later changes of earlier details, as
15 happened when your committee questioned Nosenko. If there had
16 been more, we would have gone doggedly after it, of course. We
17 were not the incompetents Mr. Hart made us out to be. Your
18 staff report said that Nosenko "recited" the same story in each
19 of his three sessions with the committee. The word is apt:
20 Nosenko had "recited" that story before, to the CIA and FBI,
21 each of which questioned him systematically about it. So why
22 did Mr. Hart give his own Agency a "zero" on all phases of the
23 handling of Nosenko? Surely he was seeking to fling mud, not to
24 give serious answers to serious questions. His effect was
25 confusion.

1 Mr. Hart also suggested to you that CIA just didn't in-
2 vestigate the validity of what Nosenko had said about Oswald.
3 That is equally false. What else, for example, was the purpose
4 of our subjecting Nosenko to hostile interrogation and subject-
5 ing his information to meticulous investigation wherever we
6 could? Those 40 file drawers are full of the results.

7 But of course we were not able to check inside the USSR, as
8 the Warren Commission noted. We didn't have other sources in
9 the KGB who were connected with this Oswald case. But think how
10 lucky we were to have even one inside source on Oswald inside
11 the KGB. Of the many thousands of KGB men around the world, CIA
12 had secret relations with only one, and this one turned out to
13 have participated directly in the Oswald case. Not only once,
14 but on three separate occasions: when Oswald came to Russia in
15 1959; when he applied for a visa from Mexico to return to
16 Russia; and again after the assassination when the Kremlin
17 leadership caused a definitive review of the whole KGB file on
18 Oswald. How many KGB men could say as much? CIA was thus un-
19 believably lucky to be able to contribute to the Warren Report.
20 In view of other suspicions of Nosenko, the key word in that
21 last sentence is "unbelievably."

22 Gentlemen, I hesitated before replying publicly to Mr.
23 Hart's false charges, for a number of reasons:

24 - For one thing, I found it hard to imagine myself in
25 the position of defending myself against the CIA before

1 the Congress. My record should have been ample
2 protection against that.

3 - Then, too, I'm comfortable in the knowledge that my
4 honor and integrity, although torn to shreds by the
5 CIA before this committee and the public, remain
6 intact with those who know the truth.

7 - And of course, my embarrassment, my public dishonor,
8 count for little compared with the reputation of a
9 Government agency which must uphold an image of
10 integrity. To call public attention to the way the
11 CIA misinformed you might cause it embarrassment. I
12 do not want to harm the CIA, which has enough real
13 enemies.

14 For without the CIA, who would remain to oppose the relent-
15 less work of subversion and deception and penetration being
16 directed abroad by the KGB against our country? Who would
17 oppose that arrogant and brutal instrument of repression in the
18 secret, dark places where it works?

19 Finally, it was this thought, of the KGB, which decided me
20 to come before you. Some of the mud the CIA splattered on me
21 might have clouded your view of the KGB's relations with Lee
22 Harvey Oswald, as given to you by Yuri Nosenko of the KGB. The
23 flying mud may have screened important aspects of the case. By
24 wiping some of it away I thought I might help you to restore
25 what seemed to me a clear presentation of the facts in your

1 committee staff report -- written before Mr. Hart's testimony.

2 What I seek is to let the facts carry the day, to wipe
3 them clean again for your inspection. You need not accept
4 either the beseechings of Mr. Hart, or any counterargument from
5 me. But my hope is that you will not let the facts get obscured
6 by emotional distortions, or irrelevancies.

7 Mr. Chairman, my prepared statement continues now with a
8 series of remarks on a series of issues of interest to the
9 committee, which is the detention of Mr. Nosenko. I have already
10 mentioned to you that I think it irrelevant to your concerns,
11 but since it was a matter of considerable concern to you and of
12 interest to the public, I have prepared a few pages here which
13 I can either read or use in response to a few questions you may
14 have.

15 Mr. Preyer. Let me suggest that you read them.

16 Mr. Bagley. Thank you, sir.

17 The detention of Nosenko has been described in sensation-
18 alist terms by Mr. Hart and, as he clearly intended, has caused
19 some outrage on the part of the committee. I want to deal with
20 it because the committee has been led to consider it, not be-
21 cause it is truly pertinent to your concerns. Mr. Hart and Mr.
22 Nosenko use it, falsely, as an excuse for discrepancies in
23 Nosenko's reporting. But this is a distraction, filling Mr.
24 Hart's testimony in place of discussion of Lee Harvey Oswald.

25 Mr. Hart's bias must have been evident to all. He

1 expressed his personal view that the treatment of Nosenko was
2 "absolutely unacceptable" and he introduced terms like "bank
3 vault" to imply inhuman treatment. He led Mr. Sawyer to talk of
4 a "torture vault" and "partial starvation" and gave the idea
5 that Nosenko was subjected to unbearable heat, or left shuddering
6 in the wintry cold. He portrayed the conditions in terms
7 leading committee members to use words like "shocking" and
8 "horrible." Yet at the same time Mr. Hart was describing
9 himself as a "historian" bound by known fact. In fact, he mis-
10 led you about almost every aspect of the detention.

11 Had he in fact bothered to collect facts from all con-
12 cerned, you would have gotten a quite different and more
13 rational point of view, one which deserved at least some respect
14 if for no other reasons than that it prevailed within Mr. Hart's
15 own organization for 3 years.

16 In fact, one overriding flaw in Mr. Hart's version of these
17 "horrible" matters is that the Agency leadership -- serious and
18 responsible people -- had approved Nosenko's detention and at
19 least the broad outlines of his treatment. Mr. Hart's way
20 around this was to suggest that Mr. Helms was not aware of what
21 was going on. Mr. Helms has belied that and indeed has called
22 into question some of the impressions conveyed by Mr. Hart to
23 the committee concerning Nosenko's treatment.

24 I participated in most of the discussions about the
25 detention and I remember the circumstances pretty well. Let me

1 propose to you the explanation I would have given you had I
2 been the Agency's representative. What I knew may be more valid
3 then what Mr. Hart has selected from Agency records and colored
4 in sensationalist hues.

5 In the first place, let me remind you of the reasons for
6 the detention. Mr. Helms described a few of them, but Mr. Hart
7 did not give you the picture at all. This is important, for if
8 Mr. Hart succeeds in dismissing and deriding the case against
9 Nosenko and all its implications, he robs the detention of its
10 context and purpose and truly makes it, as Mr. Dodd put it,
11 "outrageous." Here is why Nosenko was confined:

12 - First, during the initial period of freedom after his
13 defection, when his handling was identical to that of any normal
14 defector, Nosenko resisted any serious questioning. It was not
15 that he was "drunk around the clock" as Mr. Hart put it; he was
16 usually sober when he deflected questions, changed the subject,
17 and invented excuses not to talk.

18 - Second, his conduct and lack of discipline threatened
19 embarrassment to the Agency during his parole in the United
20 States. Remember, he had not been formally admitted to this
21 country.

22 - Third, there was a documented body of evidence, not
23 "supposed evidence" -- that's a quote from Mr. Hart -- beyond
24 any explanations of bad memory or misunderstandings, which made
25 it likely that Nosenko had been sent by the KGB to mislead us.

1 It was not juridicial proof, but it was taken very seriously by
2 the Agency's professional leadership, who were neither fools nor
3 paranoids.

4 - Fourth, the implications underlying this very real
5 possibility were too serious to ignore. Among them were these
6 two: that Lee Harvey Oswald may have been a KGB agent, and that
7 there was KGB penetration of sensitive elements of the United
8 States Government.

9 - Fifth, if we were to confront Nosenko with the contra-
10 dictions and doubts while he was still free, he would be able to
11 take steps to evade further questioning indefinitely.

12 - Sixth, there was a special urgency to get at the truth of
13 Nosenko's reports about Lee Harvey Oswald because of the time
14 limits imposed on the Warren Commission.

15 The legal basis for the detention has been explained to you
16 by Mr. Helms. It had, as we understood clearly at the time, the
17 approval of the Department of Justice and other Government
18 agencies. We did not think we were doing anything illegal, at
19 least not until the time had stretched out beyond reasonable
20 limits, at which time we began to prepare for his release.
21 Nosenko himself didn't seem to consider it "illegal" at the
22 time; it doubtless seemed a logical intensification of the
23 severity of the screening process which he knew he had to go
24 through. He did not complain of violation of any constitutional
25 rights nor ask for a lawyer. An innocent man might have

1 protested and resisted, but Nosenko was engaged in a contest,
2 and knew that he was failing to convince us -- as indeed he
3 freely admitted (he said he was "looking bad" even to himself,
4 but had no way to explain the many contradictions, ignorances,
5 and errors). He complained about cold and heat, but not, as far
6 as I remember, about the fact of detention and interrogation.

7 There were two basic requirements for the detention: that
8 it be secure and that Nosenko not be able to communicate with
9 the outside (with the KGB or with unwitting helpers). There-
10 fore, we needed a separate, isolated house in a rural or thinly
11 populated area, as far as possible from other houses, with
12 discreet access for the comings and goings which an interroga-
13 tion would require. The Office of Security found a place, but
14 as I remember it was not easy and the rent was high.

15 The actual conditions of detention within the house were
16 not designed to cause him discomfort -- or, for that matter,
17 comfort either. They were to be healthy and clean. He was
18 never touched or threatened and he always knew he wouldn't be;
19 he could always resist a line of questioning by simply clamm-
20 ing up, with a shrug; there was nothing we could do about it.

21 Nosenko complained about the heat in summer. His window
22 was blocked, not to cause him discomfort but to avoid contact
23 with the outside. A top-floor room was chosen in preference to
24 a basement because it would be dry and healthy, while the base-
25 ment would be damp. When it became stuffy, Nosenko rightly

1 complained and as I remember, an effort was made to improve the
2 situation; I think a blower was installed to keep the air
3 moving, but perhaps this can be checked in the files.

4 I don't remember any complaint about cold in the winter.
5 If there had been, I cannot imagine why he would not have been
6 given extra blankets, and I do not believe the complaint is
7 justified.

8 His diet was planned always in consultation with a medical
9 doctor. To accuse the Agency of trying to subject him to
10 "partial starvation" is unjust; to imply that Nosenko's
11 handlers wanted to, but a medical doctor "intervened" (as Mr.
12 Hart said) is to distort the facts. The doctor was consulted in
13 advance, at every phase of the detention, and checked Nosenko
14 regularly. I can't remember the time period, but I think it was
15 weekly. It might have been every 2 weeks. The diet was made
16 more or less austere depending on the situation at any given
17 phase of the interrogation, but it was always a healthy one.

18 The time frame has been much distorted here. We did not
19 foresee a long detention -- as both Mr. Helms and Mr. Hart have
20 said. The first step, and perhaps the only one which required
21 detention, was to be the confrontation, the hostile interroga-
22 tion. I do not remember how long we thought it would last;
23 perhaps somewhere between 2 weeks and 2 months. From then on
24 the detention became extended, phase by phase.

25 First, the hostile interrogation. The results surprised

1 us. Before, we suspected Nosenko might be a plant; afterwards,
2 we had come to think moreover that he might never have been a
3 true KGB officer and that he surely had not held certain of the
4 positions in the KGB which he claimed. (This view was rein-
5 forced in later questionings.)

6 At the conclusion of the hostile interrogation, in which
7 Nosenko himself admitted that he "looked bad" even to himself,
8 Nosenko was entirely willing to submit to a systematic de-
9 briefing. He said that we had been right to separate him from
10 drink and women and make him work seriously. He did not com-
11 plain then of the conditions of detention.

12 So began the second phase, a systematic questioning of the
13 sort which we would have done with any normal defector under
14 conditions of freedom. Nosenko ate quite good food, got books
15 to read, and cooperated without complaint (except when it got
16 too hot).

17 The third phase was a second hostile interrogation using
18 the new information derived from his questioning and from out-
19 side investigations in the meantime. It deepened our suspicions,
20 gave us more insight into what might lie behind him, and
21 produced some confessions of minor lies -- which did not remove
22 the doubts, for the new version contradicted other things he
23 had said. But he did not confess to Soviet control. During
24 this period his diet was made more Spartan, and he was not given
25 reading material.

1 Nothing was harmful to Nosenko, however. You have only to
2 listen to his complaints (lack of reading material, and other
3 diversions, being about the worse) to realize that this was not
4 "torture" whatever Nosenko's advantage in making it appear so.

5 After the second hostile interrogation -- I don't remember
6 the date; I believe it was late 1965 -- excuse me, late 1964 --
7 Nosenko was moved to the second holding area. This we can call
8 the fourth phase.

9 Much has been made of CIA's constructing a house to hold
10 Nosenko. But the true explanation is far less lurid than Mr.
11 Hart would make it seem. A new safehouse was needed because
12 time erodes the security of any safe area; it was time to move.
13 There was no thought about how much longer the detention had to
14 last; Nosenko was still in the United States on parole to the
15 CIA; we would not, under any circumstances, have certified to
16 the immigration authorities that we considered him a bona fide
17 immigrant. On the contrary, we had a mass of reasons to believe
18 that he was a KGB agent sent to harm the interests of this
19 country. So what could we do about him? The first thing, in
20 view of the serious implications underlying this suspicion, was
21 to clarify the doubts to the best of our ability. And at that
22 point we still thought there were ways to learn more, enough to
23 justify continuing the effort.

24 Suitable rural houses near Washington were, of course, hard
25 to find, expensive to rent, and involved leases for minimum

1 period, security hazards, and the threat that breaches of
2 security might make us move again and again. And such holding
3 areas required a large guard force.

4 So the Office of Security considered it not only safer and
5 better for our purposes, but also cheaper, to build a place on
6 Government-owned land, than to lease a new house, pay the
7 guards, make the alterations, et cetera, for a period we could
8 not control.

9 As to the design of that house. Mr. Hart invented the term
10 "bank vault," which is a catchy phrase but a purposeful misrep-
11 resentation, a misrepresentation of his own Agency's motives.
12 The facts were these. The house was to be separate, but to hold
13 down costs it should be as small as possible. There were
14 certain minimum requirements: an interview room, a room for
15 Nosenko, and a room for the guard or guards. It should require
16 as few guards as possible. It should have an open-air exercise
17 area, but not such as to let him see where he was. And as in
18 the earlier safehouse, he should not be able to communicate with
19 the outside, hence no windows. To prevent tunneling, his room
20 should be of stronger construction. Now, to go from these last
21 two criteria, as Mr. Hart did, and say that "in addition to the
22 vault, which surrounded it," is to misstate the truth.

23 The house was designed by the Office of Security, which was
24 responsible for all the physical aspects of holding Nosenko. At
25 no time did any representative of the Office of Security express

1 any dissatisfaction with the manner of Nosenko's handling, nor
2 disagreement with the suspicions of Nosenko which underlay the
3 detention.

4 It has been said that Nosenko was kept in "solitary con-
5 finement" and unoccupied, with a special view to influencing
6 him to confess. In fact, there was no alternative to "solitary
7 confinement" (could we have found him a companion) and it was
8 physically impossible to arrange to question him constantly.
9 One day of interrogation requires at least a day and perhaps
10 more of report writing, and a day or more of investigation, and
11 later sessions take time to prepare. And for almost all the
12 people involved, there were other responsibilities, other tasks;
13 the work went on even outside the Nosenko case. How Mr. Hart
14 could imagine that the Agency leadership (professionals with
15 experience in interrogation) thought Nosenko was under constant
16 questioning is incomprehensible to me. Mr. Hart says we inter-
17 rogated Nosenko for 292 days out of 1277. That makes about 1
18 day in 4, if you let us off for weekends, and that sounds about
19 right and normal. If I once wrote that the time between
20 questionings would make Nosenko "ponder," then I was rational-
21 izing inevitable gaps, not planning an unbearable isolation for
22 the man.

23 The detention had positive results. We got, as we never
24 could have otherwise, the bulk of what Nosenko had to report,
25 pure and free of any outside coaching. We were able to detect

1 just how ignorant he was, and in just what areas. We could
2 probe the limits of his knowledge, and they were rigid, even in
3 connection with things he had claimed to have lived through.
4 (Much like his recited story of Lee Harvey Oswald). We were
5 able to apply test questions to refine or test our hypotheses,
6 in the absence of a confession. But, limited by morality and
7 the law, we were not able to get a confession. In retrospect,
8 with the benefit of hindsight, I suppose that we would have done
9 just as well to give him better food, more books, music, a big
10 bed, games, and occasional informal conversations. But that was
11 not clear at the time.

12 But we could hardly, in good conscience under our responsi-
13 bility under the parole, sponsor him for U.S. immigration. It
14 took a whitewash and pretended belief in his tales to accomplish
15 that.

16 Now I want to address myself to the question of disposal.

17 Here the extent of CIA's irrational involvement with
18 Nosenko becomes blatant. Mr. Hart read (with relish, according
19 to my friends who watched on TV) selected items from some
20 penciled jottings in my handwriting which left with you the
21 impression that I had contemplated or considered (even "sug-
22 gested" as more than one newspaperman understood him) such
23 measures as liquidation, drugging, or confinement in mental
24 institutions.

25 I state unequivocally, under oath, that:

- 1 - First, no such measures were ever seriously considered.
2 - Second, no such measures were ever studied.

3 (What "loony bin"? How "make him nuts"? What drugs to
4 induce forgetfulness? I know of none now and never did,
5 nor did I ever try to find out if such exist. The whole
6 subject of "liquidation" was taboo in the CIA for
7 reasons with which I wholeheartedly agreed then and
8 still do.)

- 9 - Third, no such measures were ever suggested as a course
10 of action, even in intimate personal conversations.
11 - Fourth, no such measures were ever proposed at any
12 level of the Agency.

13 Of course, Mr. Helms, when he testified before you,
14 hadn't heard of those penciled notes; neither had anyone else.

15 I do not remember making any such notes. And I have had
16 much time to try to remember. However, I can imagine how I
17 might have. Responsible as I was for this "abominable" case, I
18 was called upon to help find the best way to release Nosenko --
19 without a confession but sure that he was an enemy agent. In an
20 effort to find something meriting serious consideration, I
21 suppose that I jotted down, one day, every theoretically con-
22 ceivable action. Some of them might have been mentioned in one
23 form or another by others; I doubt they all sprang from my
24 mind. (I cannot even guess what "points 1 through 4" might have
25 been, the ones Mr. Hart declined to read because they were

1 "unimportant." I guess that means they weren't damning to me.)
2 But the fact that the notes were penciled reveals that they were
3 intended to be transient; the fact that "liquidation" was in-
4 cluded reveals that they were theoretical; and their loose,
5 undignified language reveals that they were entirely personal,
6 for my fleeting use only. In fact, none of these courses of
7 action could have been morally acceptable to me nor conceivable
8 as a practical suggestion to higher authority.

9 Mr. Hart admitted, or proudly claimed, that he himself
10 discovered these notes in the files. Although he recognized
11 their purely personal nature, that they were not addressed nor
12 intended for any other person, nor had any practical intent, he
13 chose to bring them to show-and-tell to the committee and to
14 the American public. Did he feel this a moral duty? Or was it
15 simply part of his evident intent to deride and destroy any
16 opposition to Nosenko? Could he have done it for reasons of
17 personal spite? Whatever the answer, the cost seems too high:
18 he was discrediting his own Agency for a matter without
19 substance.

20 I cannot remember any concrete proposal for "disposal"
21 being made during my tenure. You understand, of course, that
22 "disposal" is merely professional jargon for ending a relation-
23 ship which began with "acquisition." Those are two words that
24 go together, being "acquisition" and "disposal." The course the
25 Agency eventually adopted seems, in retrospect, the only

1 practical one. I think the Agency did well to rehabilitate
2 Nosenko and, as I thought, put him out to pasture.

3 However, I cannot understand why they then employed him as
4 an advisor, as a teacher of their staff trainees in counter-
5 intelligence. The concrete suspicions of Nosenko have never
6 been resolved, and because they are well-founded, they never
7 will "be cleared up and go away." Mr. Hart and Admiral Turner
8 may frivolously dismiss them, as they have done before your
9 committee, but the doubts are still there and it is irrespon-
10 sible to expose clandestine personnel to this individual.

11 In conclusion, Mr. Hart's testimony was a curious perfor-
12 mance. One wonders what could drive a Government agency into
13 the position of:

- 14 - trying to discredit and bury under a pile of
15 irrelevancies the reasons to suspect that the
16 Soviet Union sent to America a provocateur to
17 mislead us about the assassin of President
18 Kennedy;
- 19 - pleading irrationally and misleadingly in favor
20 of a KGB man about whom serious doubts persist;
- 21 - misrepresenting, invidiously, its own prior
22 action;
- 23 - denigrating publicly the competence and performance
24 of duty of its own officers;
- 25 - dredging up unsubstantial personal notes, left

1 carelessly in a highly secret file folder, to
2 falsely suggest in public the planning by its
3 own people of the vilest forms of misconduct.

4 As the Congress is conspicuously aware, the veil of
5 secrecy can hide irresponsibility and incompetence. But
6 behind that veil the CIA used to maintain unusually high
7 standards of honor and decency and responsibility, and did a
8 pretty competent job, often in the face of impossible demands.
9 The decline of these qualities is laid bare by Mr. Hart's
10 testimony -- to the Agency's discredit, to my own dismay, and to
11 the detriment of future recruitment of good men, who will not
12 want to make careers in an environment without integrity.

13 The Agency need not have gone so far. After all, Nosenko's
14 bona fides had been officially certified. Those who disagreed
15 were judged at its highest level to have "besmirched the
16 Agency's escutcheon." Not only are they out of the way, but
17 "everything possible" is being done to see that no one chal-
18 lenges Nosenko or his ilk, ever again. The Agency need only
19 have said this much, and no more.

20 That Admiral Turner's personal emissary went so much
21 further suggests that the Agency may not, after all, be quite so
22 sure of its position. Perhaps it fears that this committee,
23 wondering about this defector's strange reporting and uncon-
24 strained by CIA's official line, might innocently cry out, "But
25 the emperor has no clothes!" This might explain the spray of

1 mud, to cloud your view.

2 Mr. Chairman, I appreciate the opportunity to appear before
3 this committee. My only regret is that I have not had the
4 opportunity to answer publicly charges that have been made in
5 public. And I should also like to point out in closing that in
6 making this presentation and in responding to your questions
7 today I may be limited by the fact that the Agency has denied me
8 access to certain documents which I requested be made available.
9 With that in mind, I will be happy to address any questions you
10 may have.

11 Mr. Preyer. Thank you, Mr. Bagley.

12 Mr. Fithian, Mr. Klein will be recognized for questioning.
13 Would you prefer to ask questions before Mr. Klein?

14 Mr. Fithian. No.

15 Mr. Preyer. I recognize Mr. Klein at this time.

16 Mr. Klein. Mr. Bagley, you referred in your testimony to
17 the memo that was provided to this committee by Mr. Hart. The
18 actual memo was not provided; a typewritten copy of that account
19 was provided, JFK F-427. I will ask the clerk to show you a
20 copy of that document.

21 Mr. Chairman, that has already been previously marked into
22 evidence in previous hearings.

23 In looking at that document, do you recognize the words as
24 being your own?

25 Mr. Bagley. No, as I said in my testimony, I can't

1 remember any such document. However, I wish to point out that I
2 also said it is not at all inconceivable to me that such a
3 document existed, and I did write it.

4 Mr. Klein. Some of the questions I will be directing to
5 you refer to the letter; I believe that is also being put into
6 the record. It is JFK Exhibit 136.

7 You have testified that you were directly responsible for
8 the case of the KGB defector Yuri Nosenko from 1961 to 1962; is
9 that correct?

10 Mr. Bagley. Yes.

11 Mr. Klein. Was learning what Nosenko knew of Lee Harvey
12 Oswald a major objective of the CIA during those years?

13 Mr. Bagley. This question has arisen in some of the
14 previous questions I have read. There may be some question
15 about the word "major."

16 I would like to say the question of Lee Harvey Oswald was
17 major indeed in our thoughts. We had in our custody the only
18 witness to Oswald's life in the Soviet Union. So it was
19 certainly important.

20 The information which Nosenko gave about Oswald was so
21 circumscribed, so rigid that we took it, we questioned him, as
22 you know, and got to what we thought were the limits of his
23 knowledge. It was not expanded to anything he really lived
24 through. It was there. We thought we had it. We questioned
25 him in Geneva, I think twice. It is in the record. We talked

1 to him here about it. The Bureau had him then afterward, In
2 the conditions of detention it was part of the systematic
3 questioning to which I referred in my testimony. It was dealt
4 with seriously. But I don't believe we had much hope of
5 getting any deeper into it. We thought, Mr. Klein, that we had
6 what Nosenko had to say about Oswald. Now whether that's giving
7 it proper importance, it was -- well, of course it was important,
8 but we didn't keep going back day after day for 1,000 days to
9 keep asking him, can you think anything more about it?

10 The answer is yes, it's important; no, we didn't pound on
11 it incessantly as perhaps a major or important subject might be
12 pounded on. But I say even now, having read excerpts of your
13 talks with him and having seen one or two things change, I would
14 say, perhaps we would have made changes in his story.

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1 Mr. Klein. Was determining whether Nosenko was telling
2 the truth about Oswald, was that a major objective?

3 Mr. Bagley. Yes, it was.

4 Mr. Klein. And did you believe at that time that if
5 Nosenko was lying about Oswald, that that could have immense
6 implications?

7 Mr. Bagley. Yes. But the lying about Oswald was, in
8 this sense, parallel to the lying about several other things,
9 a lot of other things.

10 As you saw, when I took this one case, the case of Lee
11 Harvey Oswald, and took it through our or my thought processes,
12 if you like, I couldn't find any logical or any illogical
13 explanation for why he said what he said about Oswald.

14 So, of course, ~~in~~ finding out why he was saying it or
15 whether he was telling the truth was of immense importance.
16 As you see, independent of all of the other aspects of
17 Nosenko's bona fides, we could come to a point of extreme
18 doubt of his bona fides solely on the basis of the Oswald
19 case.

20 Mr. Klein. Now, you quoted from our own report about the
21 detail and specificity of the July 3 and July 27 interro-
22 gations of Nosenko, when he was asked about Oswald in the
23 Soviet Union.

24 Do you know of any other sessions when Nosenko was ques-
25 tioned specifically in detail about Oswald and Oswald's --

1 about Oswald in the Soviet Union?

2 Mr. Bagley. I don't know. I can't remember. I cannot
3 remember. I do know that in our office we spent -- now, in
4 my office at this time, Mr. Chairman, I would like to point
5 out, as I mentioned in my opening remarks about my career,
6 that during the period from 1962 to about 1965 I was in charge
7 of counterintelligence within the Soviet bloc -- Soviet
8 Russia division.

9 We were the operational element probably most closely
10 involved with the Soviet intelligence aspects of what would
11 come out in the Oswald case, along with the counterintelligence
12 staff, as you know.

13 We did--because we had sources, defectors and experts at
14 our behest--we did dig. We thought, well, what can we supply,
15 how can we shed some light on this thing. This was on every-
16 body's mind, and it was extremely important to us.

17 I remember, for example, the passing out of questions to
18 certain defectors who were working with us from the KGB ~~the~~
19 predecessor organization, and their information, their
20 questions, their comments, were brought into us and to the best
21 of my knowledge were made available to the Warren Commission.

22 This is not Nosenko, you remember. This is other sources
23 about Oswald.

24 There were a number of questions which Mr. Epstein got
25 and published in his book as an appendix, through the Freedom

1 of Information Act, which came from my section. He calls it
2 44 questions, but the way it is organized in the book it is
3 a lot more than 44 questions because each one is a group of
4 questions.

5 Now, we passed that to the CIA staff, which was our
6 channel and liaison to the bureau, and it was passed to the
7 bureau, and there was a big back and forth about whether they
8 would or wouldn't service these questions in their dealings
9 with Nosenko.

10 They were quite detailed questions, as they had to do with
11 Soviet procedures primarily. Those questions were, I gather,
12 never serviced by the bureau.

13 I can only say in retrospect -- and here my memory fails
14 me slightly -- that by giving them in through channels to be
15 put to Nosenko, somehow we dropped them because I don't believe
16 that the conditions of detention, I don't think those so-
17 called 44 questions were put to Nosenko.

18 When I look back on it, that is something that I would
19 have to answer did we do absolutely everything, I think it
20 would have been extremely interesting, and I don't quite
21 understand if we didn't why we didn't.

22 Mr. Klein. I lost one point you were making. You said
23 you gave them to the bureau, and the bureau did not ask the
24 questions, bureau meaning --

25 Mr. Bagley. The FBI.

1 Mr. Klein. Didn't the CIA have custody of Nosenko at all
2 times?

3 Mr. Bagley. No. As has been said, custody is not the
4 word here. Responsibility for the questioning of Nosenko on
5 Lee Harvey Oswald was very firmly in the hands of the FBI.
6 Believe me, we were extremely conscious of this, and if my
7 memory is right, I believe we were enjoined at the time not
8 to question him.

9 Certainly there was no doubt that by giving him the body,
10 the man, Nosenko, into the hands of the FBI for as long as
11 they wanted -- I am talking now about conditions of liberty,
12 of course, in this period, immediately after his defection --
13 that the United States -- the appropriate United States organ-
14 ization for the inquiry into Nosenko's knowledge of Lee Harvey
15 Oswald, ^{our duty} was accomplished.

16 We had given him, and it was the bureau's job. They did
17 their questioning.

18 You know, I don't know to this day exactly what they asked
19 him. I learned more from your staff report than I had known
20 before.

21 Mr. Klein. Is it your testimony that the agency was
22 constrained from asking Nosenko questions about Oswald's
23 activities in Russia because the FBI had primary jurisdiction
24 in this?

25 Mr. Bagley. Yes, I think so.

1 Mr. Klein. Even Oswald's activities abroad?

2 Mr. Bagley. Oh, yes. That was the only thing that
3 Nosenko could bring to the FBI. That was all Nosenko had, is
4 Oswald in Russia.

5 Mr. Klein. That was the full extent of Nosenko's testi-
6 mony?

7 Mr. Bagley. Yes, he was allegedly a KGB officer who had
8 dealt with the case within the KGB. Of course, this was all
9 he had to offer. The fact that this was handed -- the bureau
10 had this authority, or this responsibility, it was perfectly
11 clear to us at the time.

12 Mr. Klein. How was this matter made known to you, that
13 the FBI would do all questioning -- would be responsible for
14 questioning Nosenko about Oswald's activities in Russia? How
15 was that made known to you?

16 Mr. Bagley. I don't remember. It must have been a result
17 of normal interagency liaison, although nothing was really
18 very normal about anything having to do with the President's
19 assassination.

20 I would suggest that the best person to answer that
21 question would be someone on the counterintelligence staff
22 which controlled directly our liaison with the FBI.

23 Mr. Klein. Mr. Chairman, I would ask at this time to
24 have --

25 Mr. Fithian. Mr. Klein, may I interrupt just a minute

1 here.

2 I would like to ask a question on this, and if I ask it
3 later it will be as disjointed as can be.

4 If the FBI had responsibility for the questioning of
5 Oswald, which I believe you just said --

6 Mr. Bagley. Yes.

7 Mr. Fithian. -- how then could you testify earlier, as
8 I believe I understood you to testify, that the questions
9 you asked and the answers you received from Oswald -- from
10 Nosenko about Oswald, I think you said the Oswald case alone
11 disproved Nosenko's bona fides.

12 Mr. Bagley. I didn't say disproved. I said it was a
13 factor in testing of bona fides. I don't think I said dis-
14 proved because the word "prove" is a tricky one in this case.

15 Mr. Fithian. That is not the burden of my question. The
16 burden of my question is if there was this clear jurisdictional
17 division, are you saying, or aren't you saying that the CIA
18 did or did not question Oswald -- question Nosenko intensely or
19 otherwise about Oswald.

20 Mr. Bagley. Oh, yes, I would be glad to review what I
21 said about that.

22 During the period when we were dealing with Mr. Nosenko
23 in Geneva, we -- this was an active hot operational matter,
24 there was no question of FBI at all--we were face to face
25 with a man who was in the jargon of the agency, was an agent

1 in place -- Nosenko before his defection, who was meeting us
2 under clandestine circumstances in Geneva. He was telling us
3 about Lee Harvey Oswald.

4 We, of course, took that and got it as straight and as
5 thoroughly as we could under those circumstances.

6 After he defected and came to the United States, it was,
7 through the channels that Mr. Klein is interested in -- it
8 was made clear tha the FBI, as the primary investigative
9 agency on the President's assassination, would manage the
10 further and detailed questioning of Mr. Nosenko in the United
11 States on his knowledge of Lee Harvey Oswald.

12 Later, after the detention -- as I mentioned, we tried
13 to get some sort of admissions from Nosenko by the act of
14 hostile interrogation. Those, as far as I remember -- there
15 were no questions involved in there because there were no
16 contradictions about Oswald, and I don't think that was part of
17 our hostile interrogation.

18 But subsequent to the hostile interrogation, as I say,
19 we were able for the first time because this man had
20 resisted it earlier, we were able to ask him the kinds of
21 questions we would have asked him had he been free, any normal
22 defector.

23 We got to the questions and back to the questions of Lee
24 Harvey Oswald in the course of that systematic debriefing. That,
25 I think, will explain the dates, Mr. Klein, that are in your

1 report, which I didn't know, I don't remember. They were the
2 3rd and 27th of July.

3 Again, I learned from the report or I was reminded by
4 the report that the detention and the hostile interrogation began
5 in early April. As I remember it, the systematic questioning
6 continued through the summer, and as a part of that questioning,
7 not with any expectation that there was more to come, that we
8 would have to contribute about Oswald, but because we wanted
9 to do everything we could to get his full story before the
10 Warren Commission closed its doors, we did ask him about these
11 matters.

12 The result was --

13 Mr. Fithian. Even though at that time you did not have --
14 the FBI still had jurisdiction?

15 Mr. Bagley. The question wasn't -- in fact, Mr. Fithian,
16 the question was no longer, I think -- we didn't feel any
17 constraint during this period of detention. There was nothing
18 preventing us from talking to Nosenko about Oswald.

19 The only thing that may have inhibited us was the
20 conviction that he had no more to say about it. Certainly
21 I think the comparison of what we got in Geneva, and the
22 rather systematic questioning in July, there wasn't any more
23 substance to it.

24 He was making certain statements, and those statements
25 were either true or not true, But, they were certainly very

1 limited. I think we could list the number of facts he gave us
2 about the Oswald case, and they would not be a very long
3 list. They have to do with how he heard about it and what he
4 heard about Oswald's attempt at suicide, about Oswald's
5 psychological assessment they did or did not do in the KGB,
6 or in a Soviet hospital, on Oswald. These facts lined up
7 have not changed and they have not increased by subsequent
8 questionings. And I think by the time we were talking about,
9 while Nosenko was in detention and we could have asked him
10 as many questions as we wanted to, I think our feeling was
11 that we had his story. And I think subsequent events have
12 borne that out.

13 The only thing I regret, as I say, is that those forty-
14 four questions which we had passed to the FBI, I don't think
15 we should have felt any inhibition about asking Nosenko those
16 at that time. I don't think anybody should have any
17 inhibitions about asking Mr. Nosenko those questions today.

18 So I hope that answers your question.

19 Mr. Fithian. I was just unclear --

20 Mr. Bagley. While he was in detention, we didn't
21 feel strongly constrained. There was not much thought --
22 the Bureau was always -- the FBI was always aware that if
23 they wanted to talk to Mr. Nosenko again, that they could
24 have him at any time they wanted. There was no question
25 of keeping him away from the FBI. With the FBI's knowledge

1 of this case, the FBI's interest in this case, he was always
2 there. If they wanted to come to the CIA and say, "Look, you
3 are custodians of Mr. Nosekno. We would like to talk to him,"
4 they would have talked to him again.

5 Mr. Fithian. The reason I raised the question was I
6 inferred from your response to Mr. Klein you somehow felt
7 ruled out jurisdictionally, because that was the FBI's
8 province.

9 Mr. Bagley. I would say prior to the detention, yes.

10 Mr. Fithian. Only for one time frame.

11 Mr. Bagley. Yes. I think from the time of his
12 defection, or the time of his arrival in the United States
13 until the detention. And as I say, the detention was designed
14 to do a hostile interrogation, not to question him
15 systematically. In fact, the hostile interrogation was a
16 confused and confusing operation which didn't succeed, but
17 it was strictly focused on contradictions in his story.
18 And as I state, there were few enough, if any, contradictions
19 visible within his story of Oswald that there was nothing
20 there we could hook onto and use with any impact.

21 Mr. Fithian. Thank you.

22 Mr. Klein. Is it your testimony that whether it be
23 very early or later on that the CIA did make every effort
24 to get all the information from Mr. Nosenko that it could
25 get and to find the truth -- all the information from Nosenko

1 about Oswald that it could get, and to determine whether
2 that information was true or not?

3 Mr. Bagley. There are two questions, I think. I
4 separated them in my letter. The question did we get all
5 the information. And then you said --

6 Mr. Klein. You attempted to get all the information
7 from Nosenko about Oswald. You can take that one first.

8 Mr. Bagley. Okay. It would be very easy, and I would
9 in good conscience say yes. But over these past weeks I have
10 had a lot of time to think about it, what did we know, what
11 could we have done. And the only thing that sticks in my mind
12 right now that would have been perhaps useful for the record
13 was to ask him those questions which our experts, knowing
14 internal Soviet procedures, had dredged up about -- which
15 were not all to do with Oswald, and they had nothing to do with
16 his knowledge of Oswald. They had to do with Oswald's own
17 story, which has to do with his meeting with Marina, his
18 permission to marry Marina, his exit of Marina from the Soviet
19 Union, all of these things that have to do with Soviet
20 internal procedures, where we consider ourselves particularly
21 well informed, because we had access to some former KGB
22 people who knew these procedures.

23 By the way, they have said, they said at that time --
24 well, their reaction to the story was quite violent. I under-
25 stand that you have talked to some defectors on this subject.

1 But the reaction of the KGB men to the Oswald and
2 Marina story, and most particularly to Nosenko's story about
3 the failure to talk to him, and the ease with which he married
4 this lady and so forth, they believed that this is not possible
5 as given. Strongly they believe that.

6 Mr. Klein. I think my question sort of got lost. But
7 is it your testimony that at some point the CIA did try to
8 get all the information that they could from Nosenko that he
9 knew about Oswald?

10 Mr. Bagley. About Nosenko's knowledge of Oswald, yes.

11 Mr. Klein. And at some point did the CIA try to do its
12 best, do whatever was possible to determine whether the
13 information Nosenko gave about Oswald was true?

14 Mr. Bagley. I would say our efforts in this respect
15 would be on two planes. One is to check out the facts, and
16 those facts, as I think Mr. Helms told you here, can only
17 be found within the files of the KGB. And secondly, to find
18 out whether Nosenko as such is telling a true story. In
19 other words, is his story -- is all of his story true, and
20 therefore is his story of Oswald potentially true. And in
21 that latter respect, I would say we made a heroic but unsuccess-
22 ful effort. I say unsuccessful, because we didn't prove it.

23 As I told you today -- I hope I got over to you the
24 fact that I am convinced that the story cannot be true.

25 But that was the result of a long and strenuous effort.

1 So my answer to your second question is yes, indeed.

2 Mr. Klein. It is also your testimony that prior to the
3 hostile interrogations, the CIA did not concentrate on the
4 Oswald question because the FBI had primary responsibility for
5 that issue, even though it dealt with Oswald's activities in
6 Russia.

7 Mr. Bagley: Correct.

8 Mr. Klein. Mr. Chairman, I would ask that at this time
9 I read into the record page 7 from a document received from
10 the FBI which is responses to questions that this committee
11 posed to the FBI. I cannot put the entire document into
12 evidence because portions of it are secret. But the portion
13 I propose to read is unclassified.

14 The question posed to the FBI by this committee was
15 "Did either the FBI or the CIA have primary responsibility
16 for investigating Nosenko's statements about Oswald. If
17 neither had primary responsibility, was there any division
18 of responsibility?"

19 The answer, and I am quoting: "The FBI had primary
20 responsibility for investigating Nosenko's statements about
21 Oswalds that pertained to his, Oswald's, activities in the
22 United States, including the assassination of President
23 Kennedy. The CIA had primary responsibility for investigating
24 Nosenko's statements about Oswald's activities abroad."

25 Mr. Bagley. I find that absolutely incomprehensible,

1 because Nosenko could not conceivably have known anything
2 about Oswald's activities in the United States. The FBI
3 would have had nothing to talk to him about.

4 Mr. Klein. In effect, what this document would seem
5 to say is that for everything that Nosenko knew about Lee
6 Harvey Oswald, the CIA had primary responsibility of finding
7 it out and investigating it.

8 Mr. Bagley. Absolutely, that is what that document
9 says to me, yes. Because it couldn't possibly have been
10 the agreement between the FBI and CIA at that time because,
11 as I say, there is no use talking to a Moscow-based internal
12 security officer of the KGB about a man, a former Marine
13 of the United States, who came to the United States -- who had
14 lived in the United States before he came to Russia, came back
15 to the United States after he lived in Russia, and at some
16 point along the way killed the President of the United States.
17 How in the world would this man have had anything to say on
18 the subject? In fact, he would have shrugged and said, "No,
19 I don't know anything about it."

20 Mr. Klein. So we draw the conclusion from this that
21 the CIA was of the opinion that the FBI had responsibility
22 in this area and at the same time the FBI was of the opinion
23 that the CIA had the primary responsibility in this area?

24 Mr. Bagley. Certainly not. The FBI talked to this
25 man for days. They could have terminated their so-called

1 responsibility in five minutes had they thought that we
2 were responsible, the CIA was responsible for talking to him
3 about everything to do with Oswald in Russia.

4 Mr. Klein. Well, you are disputing that statement, is
5 that right?

6 Mr. Bagley. Oh, yes. And I have a feeling that there
7 is some misunderstanding there. I can't believe that anybody
8 said that seriously.

9 I have no memory of any such thing being said at the
10 time because -- perhaps they meant, you know -- it couldn't
11 mean that they felt that the FBI had -- no, they were talking
12 about Oswald, not about Nosenko. No, I cannot understand it.

13 Mr. Klein. So, you dispute that.

14 Mr. Bagley. Oh, of course.

15 Mr. Klein. Well --

16 Mr. Bagley. But I suspect it is a misunderstanding,
17 rather than a misstatement.

18 Mr. Klein. You testified earlier that you did not recall
19 any other sessions where Nosenko was asked detailed specific
20 questions about Oswald in Russia, other than the July 3 and
21 July 27 statements, which were mentioned in our report, is
22 that correct?

23 Mr. Bagley. That is correct. One reason I think perhaps
24 you have the whole picture is that there were pretty careful
25 records kept. In response to your questions to the agency,

1 or -- I am sure you had got all of the pertinent files, and
2 had there been anything else, it would have been clearly
3 indicated.

4 Mr. Klein. I should state for the record we have read
5 those files, and we know of no others.

6 Do you have any recollection of how long these two sessions
7 were in time?

8 Mr. Bagley. You mean the July session?

9 Mr. Klein. July 3 and July 27.

10 Mr. Bagley. No. I take it that information came from a
11 document. Did it give any indication of the time? Because --

12 Mr. Klein. I should state for the record the sessions
13 are on tape.

14 Mr. Bagley. Well, then, there must be a way to know.

15 Mr. Klein. How many hours, as an experienced security
16 officer, considering what you have told us was of importance
17 to this question of Oswald -- how many hours do you think that
18 the agency should have devoted to questioning Nosenko about
19 Oswald?

20 Mr. Bagley. I would give you a practical answer to that
21 question. When you are faced with a man who is telling you a
22 limited number of facts, which have a very clear limit, you
23 can ask him the questions, and you can write down the answers,
24 and you can ask him the same questions or related questions all
25 day long.

1 But I think that we felt that we had touched his limits,
2 and we didn't just feel it, we experienced it, and that had we
3 talked more and more and more we wouldn't have gotten anywhere.
4 Therefore, I cannot guess how many hours one should spend
5 asking the same questions.

6 I would add, by way of comment to your question, that had
7 he lived through the experience as he said, we could have talked
8 with him for days. Because you have a situation where a case
9 officer named Rostrusin, or Krupnov, if this man walks up,
10 and they talk about it, and then they go out and have a drink,
11 or they live through these experiences, that Oswald had been in
12 a hotel, and that there was this Soviet Intourist woman who
13 was in touch with him, what exactly what is her relationships
14 with both KGB and what did she think about this guy, and did
15 you talk to her and when -- these are things which would go
16 on and on and on had there been a genuine contact.

17 But the one thing I have noticed is that your complete
18 information about Oswald and ourselves or the FBI's runs to
19 a few pages, never more. You can't expand it. You reached
20 the limit. Therefore, my answer to your question is I can't
21 guess how long you can spend on this man, but I don't think
22 it is any longer than we did spend.

23 Mr. Klein. Is it your testimony that five or six hours
24 would be adequate for this issue?

25 Mr. Bagley. I am sorry. That is a very difficult question

1 to answer.

2 Mr. Klein. I should state for the record that the committee
3 has heard the tapes of these two sessions and they lasted,
4 combined, approximately five or six hours. That is where the
5 figure comes from.

6 Mr. Bagley. I don't know. You are talking about a matter
7 of hours -- was it six hours or 12 hours or even 30 hours.
8 Perhaps there could have been more.

9 Mr. Klein. Now, are you familiar with the person who
10 questioned Oswald on July 3 or July 27?

11 Mr. Bagley. No, I can't remember who it was. If you tell
12 me his name, I am sure I would remember. But -- it was
13 presumably a member of my division, or my section, I would
14 say -- at that time the counterintelligence section of the
15 Soviet division.

16 Mr. Klein. My only hesitation is --

17 Mr. Bagley. It doesn't matter.

18 Mr. Klein. -- is the security aspect.

19 Mr. Bagley. Unless you want to ask me about some
20 document. Excuse me for my question.

21 Mr. Klein. What I do want to ask you is do you think
22 if you have Nosenko, as he is speaking about Oswald, and you
23 said it was an important issue, that the person who questioned
24 Nosenko about Oswald should be somebody who is experienced in
25 KGB -- questioning KGB defectors.

1 Mr. Bagley. I don't know. You have people available for
2 questioning, and their manner of questioning is more or less
3 detailed, and more or less competent, depending on their
4 training, and depending on their personal inclinations or
5 capacities.

6 Everybody has to get his experience somewhere. I think
7 many officers I have known have done brilliant and complete
8 interrogations without any prior experience.

9 No, I don't think it is necessarily relevant to be
10 systematic about this. There was an implication in one of the
11 reports I read that this man had not carefully studied the
12 matter of Oswald before asking the questions of Nosenko. I
13 think probably more could have been done there.

14 Mr. Klein. When you say that everyone has to get their
15 experience somewhere, do you think that this situation would
16 have been a proper place to give somebody experience in
17 questioning a KGB defector, talking about Lee Harvey Oswald?

18 Mr. Bagley. Yes, I think it would -- in other words,
19 it is not grotesque, it is not unheard of to have a competent
20 person -- I am sure that the man who was sent -- as I say, I
21 don't remember who it was -- I am sure he was not an incompe-
22 tent.

23 When we are talking about questioning anybody about
24 anything, we are talking about a personal capability, personal
25 professional competence, rather than experience, let's say,

1 with a Soviet defector, or with anybody else. He could go
2 down and question a businessman about his business.

3 Mr. Klein. Well, to question a businessman, say, about
4 his business, do you think that he would have been very familiar
5 in the facets of the business -- and my question is, would
6 the person who questioned Nosenko about Oswald, would you
7 expect that that person should be very familiar with the facts
8 of Oswald's life and especially everything we knew about
9 Oswald in Russia?

10 Mr. Bagley. Yes.

11 Mr. Klein. And this committee, as is stated in the
12 report, questioned, took a deposition from the particular
13 agent who was assigned to question Nosenko about Oswald, and
14 was the only agent who performed that questioning on the 3rd
15 of July and the 27th of July, and he stated that his knowledge
16 of Oswald came from the media, what he had read as all of us
17 look at the newspapers and hear on television.

18 Do you think that that is a satisfactory way to investi-
19 gate what Nosenko knew about Oswald?

20 Mr. Bagley. The word "satisfactory" is a difficult one.

21 Mr. Klein. Adequate.

22 Mr. Bagley. Certainly not maximum. Certainly not
23 desirable. No, I would be inclined to think that it was not --
24 it was certainly not maximum.

25 Mr. Klein. Do you think that had the person who questioned

1 Nosenko been very familiar with all aspects of Oswald, and
2 experienced in KGB, and spent more than five or six hours
3 questioning Nosenko about Oswald, and perhaps the CIA would
4 have come up with more relevant information in determining
5 whether Nosenko was telling the truth about Oswald?

6 Mr. Bagley. No.

7 Mr. Klein. You state in your report that the chairman
8 of this committee, due to Mr. Hart's confusing testimony --

9 Mr. Fithian. Mr. Klein, are you departing that particular
10 line of questioning now?

11 Mr. Klein. I am going to come back to it. But you
12 certainly can ask a question now.

13 Mr. Fithian. I have had the feeling, subjective, today
14 that perhaps, hearing your testimony and what else we have
15 found out, that it would be fair to characterize your major
16 interest in Nosenko as not being Oswald -- either because you
17 touched the limits of his knowledge, information, or for what-
18 ever reason--and that it would be fair to say that your real
19 interest in Nosenko, as an individual, was the potential
20 penetration of American government, potential penetration of
21 your own agency, determining whether he was sent here to
22 mislead your agency, sent here to undermine Mr. X, whatever.

23 In other words, the intelligence operations that he
24 might be able to lead you to were of a great deal more
25 interest to you than Oswald. Isn't that fair to say?

1 Mr. Bagley. No, no, it isn't, Mr. Fithian.

2 I would like to correct some of the impressions given in
3 this field by Mr. Hart, among others.

4 During the period of Nosenko's clandestine meetings with
5 us before his defection, and during the period of his
6 questioning under conditions of freedom in the United States,
7 he was treated -- and his information was gone at -- precisely
8 as would any other defector.

9 The most important information he had to offer was got
10 at, priorities were established, he was questioned on every-
11 thing he knew including Oswald. During the period of
12 confinement, he was also questioned on Oswald.

13 Now, if the case as a whole seems to bear this counter-
14 intelligence flavor, I would like to say that is probably
15 determined by the fact that Mr. Nosenko was an internal
16 security officer of the KGB. He was questioned early on,
17 both in Geneva and here, on his knowledge of anything to do
18 with Soviet politics, Soviet personalities, on the economic
19 or internal relationships with the leadership, any type of
20 policy information that he could give from his knowledge, as a
21 KGB officer.

22 These are things which some KGB officers have had know-
23 ledge of. In other words, we don't write them off. They are
24 not nearly as valuable as sources of intelligence are; for
25 example, officers of the Soviet army or the Soviet military

1 intelligence.

2 But nonetheless, they are not necessarily zero~~w~~,
3 especially having to do with political information. I would
4 say we made every effort to get what this man had on other
5 things, that we were not just slanting our questions in order
6 to determine whether he was a plant.

7 However, during that questioning we continually found
8 reason to suspect that he was a plant, but that was not our
9 purpose as it has been stated to this committee.

10 Our purpose was to get what he knew. He didn't know much.
11 That is a fact. That isn't our preconception, as Mr. Hart --

12 Mr. Fithian. You mean he didn't know much about any
13 area?

14 Mr. Bagley. No, sir. Well, what do you mean by any
15 area?

16 Mr. Fithian. The areas you questioned him on.

17 Mr. Bagley. The areas I mentioned, on Soviet politics,
18 economics and so on, he knew effectively nothing. He had
19 nothing that was of any intelligence value.

20 Mr. Fithian. Well, I had some other questions, but that
21 would kind of lead us far astray.

22 Mr. Klein. I don't have a whole lot more.

23 You stated in your letter that the chairman of the
24 committee, due to the confusing testimony of Mr. Hart, was
25 led to state that no investigation of Oswald's activities

1 as known to Nosenko have been made.

2 Mr. Bagley. Yes.

3 Mr. Klein. And that that was incorrect?

4 Mr. Bagley. Oh, yes.

5 Mr. Klein. Would you tell us specifically what the CIA
6 did to investigate what Nosenko said about Oswald in Russia?

7 Mr. Bagley. The context of that statement, by the way,
8 as is put in my letter, has to do with the getting -- it is in
9 the paragraph of that letter which talks about getting the
10 information from, even though we are talking about investi-
11 gation.

12 This is as I read the transcript. It may not be correct.
13 It may have meant indeed the investigation of the information
14 which had been gotten.

15 Mr. Klein. Right. Distinguishing taking a statement
16 from investigation, using investigation in that way, would you
17 tell us what specifically was done to investigate this case.

18 Mr. Bagley. Yes, with pleasure.

19 First of all, the best way to investigate it is to check
20 parallel sources of information. In this case, the only
21 parallel source of information which could tell us, confirm or
22 deny whether Lee Harvey Oswald had or had not been questioned
23 by the KGB, or had or had not had any relations with the KGB,
24 or some of the other things Nosenko said, could only come
25 from the KGB, or Intourist, or from some of the personalities

1 in contact with Nosenko in Russia. We had no such sources.

2 Secondly, we would probably go into -- I am not sure what
3 the technical term here is -- we would consult experts. We
4 would take Nosenko's information and see whether it made
5 sense in terms of the knowledge, our knowledge of the Soviet
6 Union.

7 That would not be a reference merely to files. That would
8 be the questioning of all available sources on this subject.
9 That is the point I made, that we did go back to every one of
10 our defectors, not only on Nosenko's story, but on Oswald's
11 story, directly.

12 That would be about all -- except finally the attempt to
13 determine how valid that information was in terms of the man's
14 total credibility, which means investigation under interro-
15 gation.

16 Mr. Klein. Now, consulting of experts -- you told us
17 that although you spoke to some defectors, that they never
18 used the questions, is that right?

19 Mr. Bagley. No, no, no. They made reports. They made
20 comments and reports about internal Soviet procedures which
21 bore on the Oswald story. Oh, yes, they did that. They made
22 reports.

23 Mr. Klein. So, since, as you say, you could not go to the
24 KGB, the only investigation that the CIA did in this matter
25 was to consult other defectors about procedures in the KGB?

1 Mr. Bagley. Other defectors, other knowledge available to
2 the American intelligence community.

3 Mr. Klein. Well, what specifically?

4 Mr. Bagley. Excuse me?

5 Mr. Klein. I say other than defectors, who else did you
6 specifically talk to, to investigate.

7 Mr. Bagley. Talk to? Oh, let me think. Talk to. May I
8 ask you to be very precise in your question as to what aspects
9 of the story you might be talking about? Is it Nosenko's
10 story of Oswald? Because if it is, it has to do with the
11 procedures of admission to the Soviet Union, the series of
12 events that occurred to Oswald in the Soviet Union, the
13 suicide, and things of that sort.

14 Mr. Klein. And you are saying that you investigated this--
15 these statements by Nosenko how, by speaking to--

16 Mr. Bagley. Well, who would know about, let's say,
17 procedures for the admission of people into the Soviet Union.
18 Who would know about -- the main source, the most valued
19 source we have ever had on things from this very closed
20 society, where these regulations and these procedures are in
21 no sense open to the public, the best source we have had, of
22 course, is defectors and that is over a large number of years--
23 many years.

24 The result has been we have accumulated this information,
25 and have turned out general reports and kept them up-to-date

1 on what certain Soviet procedures are.

2 Those would be consulted. In other words, written reports,
3 background information. Surely we checked that.

4 Mr. Klein. So in general you checked the reports that had
5 been accumulated over the years, but not specifically written
6 for this case.

7 Mr. Bagley. And then questioned people specifically about
8 this case, those sources we had.

9 Mr. Klein. Who did you question, without saying a name --
10 if you questioned defectors, how many?

11 Mr. Bagley. Defectors.

12 Mr. Klein. How many did you question?

13 Mr. Bagley. Certainly a minimum of three, and as many
14 perhaps as, I would guess -- my memory really isn't sure
15 because I wasn't as closely aware of some of these other
16 things -- I would imagine that we sou-ght or got reports
17 from more than those three, the three that I know of. How
18 many more, I don't remember.

19 Mr. Klein. And were their records and files of what
20 these -- all the people that you questioned, are those
21 records all made, of what they said when asked specifically
22 to comment on this case?

23 Mr. Bagley. I don't know that, Mr. Klein. I don't know.

24 Mr. Klein. And other than the number of defectors, at
25 least three, anybody else that you questioned, or did you do

1 anything else to investigate what Nosenko said about Oswald?

2 Mr. Bagley. The word investigation is bothering me a
3 little. I don't know what you mean. If you mean to look
4 into it, to verify it by whatever information we had about
5 Russia, what other sources are available? You have overt
6 information, and you have information which has come from
7 covert sources.

8 Mr. Klein. What I am saying is -- I am not stating at
9 this time that there are other possibilities. I am just asking
10 what -- is that the extent of what you did to investigate it?

11 Mr. Bagley. We are talking about Nosenko's story, which is
12 Oswald in Russia.

13 Mr. Klein. Yes.

14 Mr. Bagley. What you do to investigate that in the
15 United States is go down to the neighborhood and you go talk
16 to people. But we had no such access to people inside the
17 Soviet Union. There was a tremendous limit to our ability to
18 investigate this information.

19 Therefore, if these outsiders, talking about procedures,
20 or what would or wouldn't be done normally, sounds like a
21 somewhat inadequate means of investigation, it was the only
22 one at our disposal.

23 Mr. Klein. As I say, your statement is that there was
24 investigation. I am just trying to ascertain --

25 Mr. Bagley. I mentioned investigation on those three

1 grounds, the third of those grounds being the attempt by
2 interrogation to get at the veracity of Nosenko in general, and
3 Nosenko as a source on Oswald.

4 Mr. Klein. And we have already discussed the extent of
5 the questioning of Nosenko on the Oswald matter. That was
6 those two sessions.

7 Mr. Bagley. The questioning of Nosenko on the Oswald
8 matter was limited to these two sessions, I believe, because
9 you have told me so -- plus the session is in Geneva.

10 Mr. Klein. Do you recollect in Geneva that you spoke in
11 details with Nosenko about Oswald?

12 Mr. Bagley. The words "in detail" are hard to say
13 because the conditions of a clandestine meeting are never
14 satisfactory. You cannot sit down and be systematic because
15 you don't have that much time. There are other things we
16 talked about.

17 Mr. Klein. Did you ever question Marina Oswald about what
18 happened in Russia when she was with Oswald, and compare that
19 to what Nosenko was giving you?

20 Mr. Bagley. To my knowledge the CIA had no access
21 whatsoever to Marina Oswald, and I have no knowledge of any
22 CIA contact with her at any time.

23 Mr. Klein. Did you ever ask the FBI to question her
24 specifically about the issues you were interested in?

25 Mr. Bagley. Yes.

1 Mr. Klein. Is there a written request for that?

2 Mr. Bagley. I would suspect so, yes.

3 Mr. Klein. And did you get any answer back?

4 Mr. Bagley. No.

5 Mr. Klein. The FBI --

6 Mr. Bagley. No, I don't believe that we would have asked
7 them to ask her something to tell us because this would have
8 been a violation of what the FBI considered its charter in
9 this case.

10 Mr. Klein. So you didn't ask them.

11 Mr. Bagley. We would give them questions to ask her. We
12 would request them or suggest to them that they ask Marina
13 certain questions. That, yes, but not with the idea of
14 reporting back to us because we wouldn't have any right to do
15 that.

16 Mr. Klein. You wouldn't have any right to have the FBI
17 give you their reports on Marina Oswald?

18 Mr. Bagley. Oh, yes, we would have a right to ask them
19 to give the reports. But we didn't say why don't you ask this.
20 This is essentially why we are doing it. We gave them a
21 request for information and said will you go ask these
22 questions.

23 That is the history of the famous 44 questions I spoke
24 about a moment ago.

25 Mr. Klein. Weren't you interested in the answers to

1 compare it to what Nosenko was telling you?

2 Mr. Bagley. Yes, indeed. But -- the answers to --

3 Mr. Klein. That Marina gave the FBI, to compare it to
4 what Nosenko told you what happened?

5 Mr. Bagley. We would have been very happy to have answers
6 from Marina, and asked these questions. But we could not
7 operate through the FBI to do this. I think this is a thing
8 that has come up in previous testimony. I think we were
9 constrained, that the bureau felt very strongly it was their
10 responsibility.

11 Mr. Klein. Did you ever make any attempt to study
12 files you had on other people who had defected, Americans who
13 had defected to the Soviet Union, and check what happened to
14 them, and compare them to Oswald's?

15 Mr. Bagley. Oh, yes, and the people who were doing that --
16 by the way, I want to stress here that the agency component
17 primarily responsible -- I told you about our wholehearted
18 effort and tremendous interest in this. But the agency
19 component handling the agency's requirements on Lee Harvey
20 Oswald were in fact the counterintelligence staff. They indeed
21 did look into the experience of other defectors.

22 Mr. Klein. Were their reports made on this?

23 Mr. Bagley. I don't know.

24 Mr. Klein. I should say for the record, Mr. Chairman,
25 that our committee has seen these files, but has never seen

1 any reports indicating that any kind of study was made to
2 compare these people to Oswald.

3 Were the results of these studies put in the final report
4 that you people -- that the Soviet Russia division published
5 in I believe February of 1977?

6 Mr. Bagley. No. The Soviet Russia -- may I speak about
7 that report? The report, the so-called final Soviet Russia
8 division report has also been misrepresented here. What was
9 being done in the so-called thousand page report, or whatever
10 one chooses to call it, was to make sense out of an incredible
11 mass of material.

12 It had gotten to the point, there were so many inter-
13 related cases, so much detail connected with Nosenko, that
14 somebody new coming into the case could probably no longer
15 master it. What I sought to do was to get each and every
16 aspect of the case written up, what Nosenko had said, what
17 investigations had been made of it, perhaps even comments on
18 it, or further things to be done on it.

19 That I don't remember -- the exact format. But I do know
20 the first two things were there, what Nosenko had said and
21 what our investigation, independent knowledge showed.

22 This was put together with the idea of being a reference
23 of easy access, not as a final report.

24 Now, exactly what was finally said in it when it got into
25 its eventual form, the so-called 400 page report, I don't

1 know because I wasn't there, and I had certainly not originally
2 intended that compilation had to be a final report.

3 It has certainly been treated as such, and has been
4 described as such here. Perhaps there were passages in it
5 which had the kind of conclusions which I saw quoted --
6 Nosenko was not this, and was not that, and was trying to
7 deceive, and things of that sort.

8 Perhaps they appeared even in that thousand page report.
9 But frankly, that wasn't its original intent, and I don't
10 remember their being in there.

11 Mr. Klein. Do you specifically remember a report where
12 there was a study of all American defectors to the Soviet
13 Union and a comparison?

14 Mr. Bagley. No, but I can assure you that the person to
15 ask on that would be the counterintelligence staff. That was
16 their responsibility.

17 Mr. Klein. You don't recall a report?

18 Mr. Bagley. No.

19 Mr. Klein. Do you recall any kind of effort to get hold
20 of documents, letters, diary written by Oswald, and compare
21 that to what Nosenko was telling you about Oswald?

22 Mr. Bagley. No, no.

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1 Mr. Klein. When I asked you earlier about whether if
2 you thought that a more experienced person questioned Nosenko,
3 somebody who knew more about Oswald did the questioning, and
4 whether there were longer sessions, whether that might have
5 helped to get more information and get to the truth in this
6 matter, you said that you didn't think it would help. And in
7 your letter to us, you told us that you felt the Agency did an
8 adequate job, and you compared what the Agency learned about
9 Nosenko and what this committee learned and said that since we
10 and the FBI didn't learn any more than the CIA, that that shows
11 that the Agency did a good job.

12 Mr. Bagley. Did an adequate job. I didn't say did a
13 good job.

14 Mr. Klein. An adequate job.

15 Mr. Bagley. Yes.

16 Mr. Klein. Did the FBI have the same access to Nosenko
17 that the CIA had?

18 Mr. Bagley. Yes. As I remember, I think he was delivered
19 to them. I think they probably questioned him -- I am not
20 a hundred percent sure of this, but I seem to remember that
21 they questioned him on their own premises. In other words,
22 I think he was out of our custody in the period he was being
23 talked to by the FBI. It is conceivable that I am wrong and
24 that the FBI people came to the house in which Nosenko was
25 living and talked to him there. But I have some --

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1 Mr. Klein. I believe the record will reflect that was
2 the case.

3 Mr. Bagley. I'm sorry. I didn't remember.

4 Mr. Klein. Do you recall the FBI having any access to
5 Nosenko after April 4, 1964?

6 Mr. Bagley. No. Nor do I remember their asking for such
7 access.

8 Mr. Klein. So they only were able to question Nosekno
9 for approximately two months in 1964, is that right?

10 Mr. Bagley. Correct.

11 Mr. Klein. And you stated in your letter that they
12 questioned him --

13 Mr. Bagley. Wait a minute. Excuse me. You said were
14 able to interrogate him only during two months?

15 Mr. Klein. They had two months --

16 Mr. Bagley. You used the words "were able". They were
17 able to talk to him more if they asked for it. I said that
18 earlier today.

19 Mr. Klein. Well, you are saying they could have spoken
20 to him after April 4, 1964.

21 Mr. Bagley. Of course. We would never have denied them
22 access to him.

23 Mr. Klein. And your testimony is that they had questioned
24 him all they wanted, and that is why they didn't question him
25 any more after April 4, 1964.

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1 Mr. Bagley. Yes. It is certainly my understanding.

2 Mr. Klein. Mr. Chairman, again I would like to read
3 from the report given to us by the FBI, from page 5. This
4 particular section was read into the record at our earlier
5 hearings. I would like to read it again.

6 "The FBI had no direct access to Nosenko from April 3, 1964
7 until April 3 of 1969, and therefore was not in a position to
8 make an objective assessment of his bona fides nor of the ver-
9 acity of information furnished by him. Thus information
10 provided by him in early 1964 was accepted at face value and
11 qualified in terms of the source and the conditions under which
12 it was received."

13 Does that indicate to you that the FBI felt that they
14 could have interviewed him any time they wanted after April 4,
15 1964?

16 Mr. Bagley. Yes. The phrase in there was they had, as
17 I understood it -- they had no access to him during that
18 period. They didn't suggest, I think, by that phraseology that
19 they were denied it. I know of no case in which the FBI
20 asked for access to Nosenko or that anything was said to
21 the Bureau that suggested to them that they could not have
22 access to him during his period of detention.

23 Mr. Klein. And you also compared the findings of the
24 CIA with the findings of this committee. Do you think the
25 fact that this committee spoke to Nosenko fourteen years later

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1 might have put the committee at a disadvantage versus the
2 position the CIA was in in 1964?

3 Mr. Bagley. Normally I would say of course. In this
4 case, I see no sign of it.

5 Mr. Klein. You don't think that the committee had any
6 disadvantage --

7 Mr. Bagley. No. I say I don't see any sign of it in
8 the result. On the contrary, I think you got everything and
9 perhaps a bit more. As to whether the four years make a
10 disadvantage in this case or not, I would say normally of
11 course it would. Everybody's memory fades, especially of
12 experienced events.

13 Mr. Klein. Do you think that the absence of the
14 investigative and intelligence resources that the CIA had
15 available in 1964, the absence of that for this committee
16 might have also made it more difficult for this committee to
17 conduct its investigation?

18 Mr. Bagley. The absence of what -- excuse me?

19 Mr. Klein. The investigative and intelligence
20 resources that the CIA has available, and had available in
21 1964, that that might have --

22 Mr. Bagley. As I pointed out to you, there were no
23 investigative resources that you would consider serious ones
24 inside the Soviet Union.

25 Mr. Klein. You don't think that the CIA had any

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1 advantage over this committee as far as sources available to
2 them?

3 Mr. Bagley. I don't know what your limitations were,
4 Mr. Klein. I would think that the type of sources that
5 I have described would have been made available to your
6 committee had you asked them. In other words, defectors,
7 available background information on the Soviet Union and
8 so forth. I don't think that -- well, I don't know what other
9 assets you are talking about or what other capabilities.

10 Mr. Klein. You state in your letter that the committee
11 came up with only one fact.

12 Mr. Bagley. Well, I was talking there about the --

13 Mr. Klein. Surveillance.

14 Mr. Bagley. The surveillance.

15 Mr. Klein. You are aware that the committee came up
16 with numerous inconsistencies in Nosenko's statements?

17 Mr. Bagley. I certainly am. And I found them extremely
18 well presented.

19 Mr. Klein. In the time that the CIA had to question
20 Nosenko, can you specifically tell us any inconsistencies
21 or untruths that the CIA pinned him to?

22 Mr. Bagley. In the details of the case?

23 Mr. Klein. Yes.

24 Mr. Bagley. The answer is probably no. I don't --
25 and the answer is certainly no, I do not remember any.

6 1 But as to whether there were or not, I don't remember.

2 2 Mr. Klein. In the files that I have read I can state
3 3 that I have not found any. And my question to you is if the
4 4 Agency did an adequate job, then how is it that fourteen years
5 5 later this committee found inconsistencies, when the Agency
6 6 never found any at the time?

7 7 Mr. Bagley. Well, some of those were changes in the story
8 8 in the interim, aren't they?

9 9 Mr. Klein. That is correct. But they came about
10 10 from questioning, from checking prior statements, questioning
11 11 a number of times about the facts, twenty-five, thirty hours.

12 12 Mr. Bagley. Yes, prior statements.

13 13 Mr. Klein. My question basically is did the Agency
14 14 put the time and resources into this so that if there were
15 15 inconsistencies that could have been found in 1964 they would
16 16 have been found.

17 17 Mr. Bagley. I am not sure that these inconsistencies
18 18 did exist at that time. And certainly I am not sure that a
19 19 questioning of him at that time would have produced these
20 20 inconsistencies. I have no way of knowing that.

21 21 Mr. Klein. I am not necessarily referring to these
22 22 particular inconsistencies. What I am suggesting is that
23 23 if inconsistencies develop in questioning of somebody now,
24 24 would it be a fair statement that adequate questioning in
25 25 1964, although maybe not developing these same inconsistencies,

7 1 would hae probably developed other inconsistencies which could
2 have been investigated and could have been the basis for
3 even further questioning.

4 Mr. Bagley. I think that is unknowable. I don't know.

5 Mr. Fithian. On that point, if I may add, Mr. Klein --
6 your own professional judgment is that Nosenko is lying
7 about his knowledge of Oswald in Russia, or that he is
8 intentionally misrepresenting what he knows to be factual
9 about the KGB treatment of Oswald.

10 Mr. Bagley. Yes.

11 Mr. Fithian. I mean those are the only two possibilities.

12 Mr. Bagley. Yes, sir.

13 Mr. Fithian. And that was your conclusion at that time.

14 Mr. Bagley. The conclusion --

15 Mr. Fithian. Let me just ask you. You never would
16 have put your stamp of approval on Nosenko's bona fides, is
17 that correct?

18 Mr. Bagley. No one would put a stamp of approval on
19 somebody's bona fides except as the result of a careful and
20 considerable period of investigation; that is any defector.

21 Mr. Fithian. I understand that.

22 Mr. Bagley. And in his case it is suggested and has
23 been suggested to this committee that conclusions were
24 drawn prior to his -- first of all prior to his reappearance
25 in 1964, in other words, after the 1962 meetings, and

8 1 subsequently during that period, before he was incarcerated,
2 if that is the word. The fact is that at all times in our
3 discussion, regardless of what might -- well, let me start
4 again. That at all times we left the door open to him, for
5 him to prove his bona fides. The key period in this, in my
6 opinion, was in that period of freedom, after his defection,
7 where he was treated like anyone else, and we tried to go
8 down and talk to him and so forth. And there were points
9 or questions in our minds which we tried to approach with
10 him during that period.

11 I would say that we went to the meetings in 1964
12 with a doubt in the back of our minds. But in no way planning
13 to handle the meetings in a different way than would have been.

14 Quite a lot was made by Mr. Hart about the duplicity
15 with which we talked about the settlement arrangements that
16 would be made with Mr. Nosenko when he came to the United
17 States. This has been the subject of some controversy since.

18 My memory tells me that we were not and could not have
19 been authorized to exercise duplicity as such. We were
20 offering him the type of settlement which we would have
21 offered to that man had he established his bona fides. It
22 was not duplicity as such.

23 Now, if you say at the same time that fellow who is
24 promising these things is also the author of this paper over
25 here which says that we don't trust him, or that there are some

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1 odd things here which suggest he was a KGB plant, I would say
2 absolutely yes. But is that duplicity? Because the door was
3 always open for the establishment of his bona fides.

4 And as for the first hostile interrogation, when we
5 confronted him with these contradictions, I would say to you
6 that we probably suspected that he would not be able to clear
7 up these things. But we didn't do it. And there might
8 conceivably have been some innocent explanation of both
9 contradictions in his own story or oddities, all the things
10 that Mr. Hart or others have mentioned, that there was some --
11 he was perhaps a pathological liar or that he was boasting or
12 he had a very strange memory, a whole lot of things could have
13 come up.

14 But what we had done in the meantime is to do a lot
15 of investigation on the side, not only about Oswald, and that
16 we presented this outside information to him, asked him
17 questions about it, and found that he was inexplicably unable
18 to answer the questions.

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1 At what point has one concluded that this man -- in other
2 words, dismissed him as a source? I don't think we ever did.
3 I don't think we talked to him about Oswald until much later,
4 during the period we are talking about here. I don't think any
5 less effort was made than would have been made with a serious
6 defector. There were certainly more troubles in getting
7 details from him than from other defectors, but I think our
8 posture, face-to-face to him, probably was not much different
9 than it would have been had we not had the suspicions in the
10 background. It's the word "conclusions" that bothers me. It's
11 the conclusion what he might have said had we not had these
12 preconceptions, as Mr. Hart put it.

13 Mr. Fithian. I was trying to get at a followup to Mr.
14 Klein's questions. Mainly inconsistencies occurred because
15 stories didn't match and so on, but I was trying to ascertain
16 whether or not in your judgment, since you did not believe him,
17 you had reason at that time either because of inconsistencies or
18 lies or whatever you judged them to be, to disbelieve his
19 rendition of the Oswald story in Russia.

20 Mr. Bagley. To the degree we had a suspicion of him at
21 all, the answer is yes; we had that much reason to disbelieve
22 what he said about Oswald in Russia. Plus the fact the story he
23 was telling about Oswald in Russia was absolutely unacceptable
24 to us alone as a story, for all the reasons we have already
25 discussed. It was an incredible story and Mr. Hart and others

1 have stressed that and every Soviet defector has stressed this.

2 Mr. Preyer. I have to be at a meeting over at the Capitol
3 at 12:45. If you want to continue some questioning, could you
4 come back? I suggest if it's agreeable with everyone that we
5 recess until 2 o'clock today in this room and we can post a
6 notice on the door if we have to go to another room.

7 The committee stands in recess.

8 (Whereupon, at 11:40 a.m., the hearing was recessed, to
9 resume at 2 p.m., this same day.)

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AFTERNOON SESSION

(2:10 p.m.)

1 Mr. Preyer. The committee will resume its sitting.

2 The Chair recognizes Mr. Klein to complete his questions.

3 Mr. Klein. Thank you, Mr. Chairman. I will be exceedingly
4 brief, with only one question.

5 Mr. Bagley, to your knowledge is there any documentation,
6 reports, memos, that fully describe the efforts made by the CIA
7 in 1964, '65, '66, '67, to investigate what Nosenko had to say
8 about Oswald?

9 Mr. Bagley. No, and I would say as of 1966 or '67, when I
10 cut off, my best guess is that such a document doesn't exist.
11 I don't remember marking one and I am not quite certain what
12 the reason for making one would be.

13 Mr. Klein. Is it normal procedure that during the course
14 of the investigation you wouldn't document the course of the
15 investigation?

16 Mr. Bagley. You would document everything you do, but you
17 certainly need not go back and describe everything you did or
18 everything you propose to do. I don't know who such a document
19 would be directed to, for example. If one were reporting
20 progress of an investigation there would be reports of what was
21 done and what not. But this was one aspect of one larger
22 investigation and I can't remember any document being made up on
23 the subject.
24
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1 Mr. Kline. Thank you. I have no further questions.

2 Mr. Preyer. Mr. Fithian.

3 Mr. Fithian. Thank you, Judge.

4 My first question is less specific. We'll have more spe-
5 cific ones later. But I have always been puzzled since Mr. Hart
6 appeared before us as to why the Director would accept a man
7 who would testify in such a way as to create smashing anti-CIA
8 headlines out of that testimony and that goes beyond what you
9 said this morning as to his own personal knowledge or creden-
10 tials for making such testimony. Can you shed any light on that
11 at all?

12 Mr. Bagley. It goes without saying, I have thought about
13 this a lot. I think the dates of the Director's takeover of the
14 agency may have something to do with it. He came in from out-
15 side, very much outside, and he was faced with what to him was
16 probably repulsive or abominable state of affairs and he turns
17 to what was then the recognized expert, the man who had just
18 before his takeover of the agency conducted this study. I have
19 not seen it; I understand it's bulky and have no doubt as to its
20 conclusion. But I would say from the Director's point of view,
21 this man might appear to be the expert even though he was
22 already retired at the time he did the 1976 study.

23 Mr. Fithian. Going back to Mr. Hart's testimony on page
24 114 of our record, he says to this committee explaining how he
25 would proceed, he says: "Therefore, what I have before me are a

1 series of notes which were finished about 8 o'clock last night
2 based on guidance which I got at that time from Admiral Stans-
3 field Turner, Director of the CIA."

4 Mr. Bagley. I am mystified and have been asked the ques-
5 tion and have asked others the question and no one I know in the
6 Agency during my time or since has come up with any sensible
7 explanation.

8 Mr. Fithian. Your assessment or judgment as to why Mr.
9 Hart was selected then stems from and concurs with what Mr.
10 Hart is saying a little later in his testimony when he says
11 since Admiral Turner has become Director of Central Intelligence
12 he has been quite concerned about this case and he specifically
13 requested I come back to the Agency from which I retired in '72
14 and give presentations to agents on the nature of the case.

15 Now my question is this, since the Nosenko case became a
16 celebrated one long before this committee became interested or
17 long before we even knew he existed, was Mr. Hart's operation
18 such that he would be the logical person within the Agency or
19 immediately retired from the Agency to make the kind of presenta-
20 tions to "senior officials or agents in the case" that we might
21 have expected?

22 Mr. Bagley. No, sir, he was not.

23 Mr. Fithian. May I reiterate in the record at this point
24 what Mr. Dodd so ably did during the questioning that day, and
25 that is to say that kind of testimony didn't in any way square

1 with what this committee had requested of the Agency. We had
2 submitted to the Agency a very detailed list of questions or
3 concerns we had, Mr. Klein can amplify that, of all our concerns.
4 Then they were sent over to the Agency for a representative to
5 discuss these matters. I might state, in no way did the
6 Department comply with the request. It's worse than I thought
7 in this sense. We were very surprised that day that the subject
8 of Oswald was not discussed after some 30 or 40 minutes of
9 testimony and then all the questions and even the statement that
10 he was not qualified to comment on Oswald, which happens to be
11 the only thing this committee was primarily interested in. So
12 I make that comment at this point in the record.

13 Now, let me turn to your specific testimony, Mr. Bagley,
14 and ask you to refer to page 10 of your testimony.

15 Prior to asking a question as to this particular page, let
16 me ask a couple of background questions: as a professional in
17 this field, I believe I read into your statement here that it is
18 highly unlikely, perhaps totally improbable, that someone with
19 Oswald's particular background would have been able to move in,
20 do the things he did in the Soviet Union, and move out without
21 being questioned by the KGB.

22 Mr. Bagley. That is absolutely my thought. I would say
23 it's absolutely unthinkable and it's unthinkable for the Soviet
24 defectors I know, it's unthinkable for anyone who knows the
25 automatic procedures of the Soviet Union, there is no way he

1 could have evaded this action.

2 One described to me that the KGB, as it would face an
3 American swimming into their sea, it would be like a pool of
4 piranhas, insofar as one could make a statement as dogmatic and
5 final as that. I would say it can't have happened as described.

6 Mr. Fithian. Well, then, when Mr. Nosenko told you, told
7 the Agency that story, that would have been as early as Geneva?

8 Mr. Bagley. Yes.

9 Mr. Fithian. Just prima facie, doesn't this raise ques-
10 tions on the part of the Agency as to credibility of this man at
11 all? I mean, even at the very outset, the first or second con-
12 tact you had with him in Geneva?

13 Mr. Bagley. Yes.

14 Mr. Fithian. Now, staying with the Geneva scene for just a
15 minute, this is a digression, but I was appalled at statements
16 made to us somewhere along the way, Mr. Chairman, as to the
17 techniques of questioning Nosenko in Geneva, that the CIA non-
18 Russian-language person doing the recording and -- I have for-
19 gotten all the details. I would like some amplification, because
20 I occasionally vote on budgets around here.

21 Mr. Bagley. Yes, sir. A slight correction of dates and
22 the manner in which I entered into this case.

23 I was in fact stationed in Switzerland, not in headquarters
24 in the Soviet Division at the time this case broke. Therefore,
25 I came into it, if you like, as the Soviet operations expert in

1 that area.

2 While I had given myself in the course of my career a lot
3 of home learning of Russian to the point where I occasionally
4 served as a low-level translator for the Ambassador or inter-
5 preter in some of his contacts with the Soviet Embassy, I was
6 most definitely never fluent or competent in the language.
7 But on the other hand, this shouldn't keep one from operating
8 against the Soviet Union.

9 The contact made by a member of a Soviet delegation to that
10 area, in this instance a disarmament conference in Geneva, he
11 says "I want a contact with American intelligence," so somebody
12 had to do that. ^{It} ~~He~~ was quite clear I was the person to contact
13 and ~~he~~ ^I did.

14 In the course of the first meeting with him, both English
15 and Russian were spoken. I told the man from the outset that I
16 would appreciate his speaking clearly and relatively slowly and
17 I would like to break into English whenever possible, and we
18 tried to reach a language of understanding. At times either
19 from excitement, impatience or whatever, he expressed himself
20 over a considerable number of sentences, fast, in Russian,
21 where ~~my~~ ^{my} understanding of it was imperfect.

22 Now, I think at this late date, I told you this at a much
23 earlier date, but very early along our questioning of the man
24 and of our writing reports on him, ~~by~~ we were aware of those
25 points where he had said something and I had failed to

1 understand simply because there were taped recordings of these
2 meetings.

3 During the second meeting -- it possibly could have been
4 the third but I think it was the second -- there was present in
5 the room a native-speaking Russian officer to accompany me in my
6 dealings with this man.

7 Although I came into it as a member of the Switzerland
8 component of the Agency, I was already known as particularly
9 competent and experienced in this field, so it was considered as
10 I think Mr. Helms said in 1964, it was considered a good face
11 for the Agency, a competent qualified face for this extremely
12 valuable source.

13 But from the second meeting on -- even in the first meeting,
14 there were few ^{a mis} understandings which consisted, I believe, of my
15 taking notes on certain things he said about his background. The
16 military school which he attended was cited in your testimony
17 and there were one or two other minor things having to do with
18 the manner of his father's death. I made a mistake, I heard it
19 wrong. So, in my initial report to headquarters there were
20 mistakes. But at least for most of that first meeting I had no
21 doubt there was good understanding and for all subsequent
22 meetings, there was a total understanding.

23 To take misunderstandings which may have appeared in the
24 first cable and first meeting on insignificant matters and
25 extend them into a judgment as to the manner in which this

1 source was handled from beginning to end is confusing, it mis-
2 leads you and is unnecessary and has no relevancy at all.

3 I want to say the so-called drunkenness, the heartfelt
4 statement of Mr. Nosenko to Mr. Hart, "^{John}~~He~~, I was snookered,"
5 he wasn't snookered, he probably had a lot of booze, but he
6 was entirely lucid at all times. There was never a time when
7 communications were broken because of the influence of alcohol.

8 Therefore, I suggest that element of language misunder-
9 standing that you are speaking of and the element of drinking was
10 artificially introduced as an explanation and excuse for other
11 irregularities in Mr. Nosenko's reporting.

12 Mr. Fithian. Are you then saying that Nosenko used his
13 drinking to make up or cover up or disguise the fact he did not
14 know answers to certain questions or the account of that is
15 erroneous?

16 Mr. Bagley. ^{Yes,} Later when confronted with that in Geneva in
17 1962, he simply said, "I was drunk" or "I did not say that," or
18 "There was a misunderstanding."

19 In one case, Mr. Fithian, a very important case, he
20 described in 1962, his participation in an operation involving
21 an American of which we had a record. In 1964, he denied any
22 knowledge of that operation at all. It wasn't a question of a
23 transcript being ineptly made by some process I don't under-
24 stand, was not the transcript at all which entered into this
25 confrontation, we brought back a tape. This tape was loud and

1 clear. We said, "You don't remember this operation? Here is
2 your voice." And he hears his voice loud and clear, giving de-
3 tails of the operation. And his explanation was that he was
4 drunk; he had no knowledge of having spoken to it a year and a
5 half earlier. It's my premise that drunkenness doesn't give you
6 second sight.

7 Mr. Fithian. I think Nosenko used the term as to Oswald
8 being an "uninteresting target." Mr. Epstein in his book
9 perhaps makes a little too much of Oswald's potential knowledge
10 of the U-2. Am I off base on that?

11 Mr. Bagley. I think ^{not} ~~so~~. It makes a good story. It's
12 logical, but after all, this is something which escaped American
13 attention. I have had an American friend who has come to me
14 since then and said, "You can't expect me to believe the security
15 review of Oswald failed to pick up the fact he knew about the
16 U-2." I don't think it's even been proven he knew about the U-2,
17 and I think it's the sort of thing that would have slipped by
18 in any instance. He was at a Marine radar base 500 meters from
19 where the U-2 took off, and his radar unit tracked it. Possibly
20 certain things as to speed and altitude might have come to
21 Oswald's attention.

22 For example, Mr. Oswald's defection to the Soviet Union
23 would have been a part of naval intelligence to see what he knew
24 or didn't know; and I have a hunch the most conscientious
25 investigation you could make about that man might not bring up

1 the fact that his service in that radar shack was in any way
2 related to a highly secret operation which was documented in
3 totally different ways.

4 I do agree with you that it's unlikely that the U-2 was the
5 special information that Nosenko -- excuse me, that Oswald told
6 ^ySnader. There has been a lot of speculation as to the informa-
7 tion of special interest he had. It may be he realized there
8 was a special operation and this was the special thing he had to
9 offer to the Soviets, but it's certainly not provable.

10 Mr. Fithian. One of the central questions which may go
11 unanswered, but I would appreciate your best guess, I am not
12 sure from your testimony whether you believe that Nosenko came
13 to the United States, became available as a defector -- I
14 conclude you believe him to be a plant. I am not sure as to
15 what your real belief is as to why he might have become the
16 plant. Some very wrapped-up in the assassination would have us
17 believe this was of such tremendous potential disturbing nature
18 for Soviet-American relations that even if Oswald didn't have
19 that much of a role to play with the KGB, they would defuse
20 anything that had to do with Oswald before they sent him over
21 here. Therefore, it might be worthwhile to send someone of
22 Nosenko's caliber.

23 The other possibility is the one I think you alluded to,
24 that is, they believed the kind of information Agent "X" was
25 giving was of such a potential damaging nature, that they should

1 muddy the water and send a plant calling attention to what he
2 was testifying to.

3 You call it on page 14, a "crude message." I take it from
4 that you have no definitive information. But I would like to
5 know what your guess is.

6 Mr. Bagley. It would be a pleasure to say.

7 It seems to be difficult for Mr. Hart or for anybody coming
8 into this case to make distinctions, and one of the big distinc-
9 tions is between his contact in Geneva in '62 and his recon-
10 tacts in coming out in '64 saying he was going to defect.

11 In 1962, he made it absolutely clear to us that he would
12 never defect, under no circumstances. He had his family, he
13 liked living in the Soviet Union, but he had certain undefined
14 objections to the Soviet regime. I was reminded in Mr. Hart's
15 testimony, I think that he needed some money urgently and
16 therefore he was coming to us. He not only said he wouldn't
17 defect but he wouldn't accept contact with us inside the Soviet
18 Union. However he would see us whenever he came out on official
19 duty on Soviet delegations abroad.

20 In January of '64 he came out and stupefied us with this
21 statement that now he wants to defect. I can assure you my
22 first question was, "Why? Didn't you tell us you never would?"

23 His answers were extremely vague. "Well, I think they may
24 suspect me. I have decided to make a new life."

25 I asked, "How about your family?" He said well, he had

1 decided to start anew and they would be all right.

2 Now, I detect in that a tremendous change of course.

3 Therefore, I would like to answer your question as to what he
4 might have been about in '62 and '64.

5 In '62 I say in my letter and testimony he was deflecting
6 information given 6 months before by Defector "X." This was
7 clear.

8 There were such connections, there was an astonishing
9 overlap. I have dealt with many Soviet-bloc intelligence
10 officers and of course many would know two or three doing the
11 same thing. But the degree his information coincided to certain
12 information given to us by "X" was simply not unacceptable, but
13 it was noteworthy.

14 I would guess on that basis, Mr. Fithian, that the purpose
15 in 1962 was that this man was sent out to do a perfectly under-
16 standable counterespionage technique. The question has been
17 asked why the tremendous change between 1962 and 1964. His
18 reasons make no sense. They are not convincing. So what is it
19 in the Soviet mind that would cause a man to physically send a
20 man out when they said they never would?

21 By way of footnote, I would like to say I mentioned in my
22 testimony the insight we got into this man is that he hadn't in
23 fact held the positions he said he had held. Not only was he
24 not a plant but he was not a real KGB officer. The reason we
25 have what we have in this tremendous volume of information is

1 that we have that detention and we were able to take it. We
2 had him sitting -- he tried to avoid him sitting down but once
3 we had him sitting down, we could see he did not know about the
4 operations of his colleagues, he did not know about his main
5 target, he did not know those things.

6 But still in '62, had he come out to see us in Copenhagen,
7 New York or Buenos Aires, he could have seen us only for an
8 hour here or there under tense circumstances where there would
9 be no chance to get into details under the controlled conditions
10 I am speaking of.

11 Therefore I think the Soviets had a good thing going had
12 they left the man where he was. But as a defector they were
13 running a big risk. This is not going away from your question,
14 because it involves the decision to do this, to change the
15 course. This is all assuming under your category we are
16 speculating that he is a KGB plant.

17 Something made them want us to have him in hand as a
18 defector. One of the possibilities could be the event which
19 happened in the interim, the assassination of President Kennedy,
20 and therefore he was as you say, used for this message because
21 he may have been the only valid, controlled and trusted secret
22 contact to CIA.

23 The Soviets have shown a proclivity to use tricky methods
24 like this to give us messages through clandestine means going
25 directly to the President, escaping suspicious desk officers.

1 But it's possible they looked for a way to get a message of
2 their innocence as to President Kennedy's assassination.

3 If it was the best available channel, I can see the non-KGB or
4 let us say a member of the Soviet leadership, like Mr. Khrush-
5 chev himself, may have said do it, and the professional might
6 have said, yes, but the fellow might run into trouble, and the
7 reply would be yes, but do it.

8 This is again in the realm of speculation.

9 I only know of one other -- by way of background -- I only
10 know of one potential explanation of this man coming out to see
11 us in short stretches or the man putting himself into our hands
12 as a defector.

Mills
fls
2:45

1 That has to do with an unrelated matter. It is very
2 difficult -- it is even more speculative than is related to
3 the Kennedy assassination.

4 In other words, I am not at all sure that the other spec-
5 ulation is any more valid than what I have just said.

6 So, I would say that in groping for an explanation on
7 the basis of the hypothesis that he is a sent KGB agent, one
8 of the two things, one of the only two that I can think of,
9 is that he was sent to give a message to the Warren Commission.

10 Mr. Fithian. In that 1962 interview, is there any
11 reference made to Nosenko's alleged role in recruiting American
12 tourists?

13 Mr. Bagley. Yes. He said that at that time he had made
14 his career from 1955 until 19 -- until the end of 1959 in
15 the tourist department, and he spoke about it at that time.
16 In 1962 he had just gone back, after a two-year period in
17 the section working against the American Embassy in Moscow,
18 he had gone back to that section, working against tourists,
19 with a promotion.

20 So, needless to say he did talk about operations against
21 tourists.

22 Mr. Fithian. Was there in that interview, in 1962,
23 anything which tends to support his later claims of his
24 position within the KGB?

25 Mr. Bagley. Prior to his contact with us in 1962, he

2
1 claims to have made a brilliant career as an English-speaking
2 case officer, an operations officer, a man who gets out in the
3 field, a tough guy, as he used to call himself.

4 He told of certain things he had done. We checked them
5 out. It goes without saying we were fairly meticulous about
6 that. We found only two operations in which he physically
7 appeared at all prior to 1962, that we could confirm.

8 In other words, we were getting from him the statement of
9 where he was, and then we were going back to what we knew about
10 those operations, or else going out and interviewing the
11 people involved.

12 One was as a member of a team of about three, three
13 people in the compromise of an American tourist on homo-
14 sexual grounds in 1956.

15 The other was as a junior officer, a companion of an
16 identified officer, senior officer, of the Tourist Department
17 of the KGB in meeting with an agent of theirs whom the
18 bureau had interviewed. That agent's testimony -- I will say
19 he was an American -- this American's testimony showed that
20 Nosenko appeared exclusively as a junior member of the
21 team. He had never appeared alone.

22 The other man, who was an identified officer of the
23 section, of the tourist directed section, did all the question-
24 ing and all the control of the meetings as testified by the
25 agent.

3
1 Now, one of the interesting things about that particular
2 case is those meetings with Nosenko playing a junior role
3 continued well into 1960, at a time when Mr. Nosenko said later
4 that he had shifted into the section working against the
5 American Embassy in Moscow.

6 Mr. Fithian. And held an important position in it.

7 Mr. Bagley. The Deputy Chief of it.

8 Mr. Fithian. And you are saying that according to Soviet
9 structure, that would be highly improbable?

10 Mr. Bagley. Very. I can't imagine why the Deputy Chief
11 of a section busy working against the American Embassy should
12 accompany a senior Tourist Department officer in meeting an
13 agent who, while admittedly American, a resident -- from time
14 to time a resident in Moscow -- but primarily directed to
15 tourist-oriented operations, why he should continue in that
16 capacity.

17 If we were the senior case officer and had a special
18 relationship with the man ^{he} ~~is~~ would be acceptable, quite, no
19 reason why not.

20 They might feel no one else could do it as well, and
21 maybe this man had some potential to talk about members of
22 the American Embassy. I believe by the way that that is the
23 way that Nosenko explained it when we asked him about this.

24 He knew people in the Embassy, but that doesn't really
25 check with the story as given by the man himself when

4
1 interviewed by the FBI.

2 Mr. Fithian. Do you have any information on the treat-
3 ment of Nosenko's family in Russia after his defection?

4 Mr. Bagley. There was a story, as unlikely as the story
5 I mentioned in my testimony, of Mr. Epstein's being told by
6 an official member of the Soviet Embassy in Washington that
7 Nosenko is the best qualified man in the United States, the
8 best qualified man in the world really to talk about Oswald
9 in Russia.

10 That other story has to do -- let me see -- with the
11 approach by a Soviet official to a large circulation magazine,
12 in this case Paris Match, offering a story to them, illustrated
13 by pictures, a story of the pathos of the family of Yuri
14 Nosenko, Colonel Nosenko, I believe is one of the many people
15 who referred to Nosenko as a Colonel, having left his family
16 behind, and how this would turn into -- there would be a
17 divorce, and these children were left behind.

18 He offered, by way of illustration of this heart-
19 rendering article, a picture of two daughters, I think, as I
20 remember -- I think we got a hold of them -- on a boat in a
21 lake somewhere, I suppose in Moscow.

22 In other words, here was a Soviet official coming and
23 saying here is the family. In other words, they were talking
24 about the family. For the first time in our experience,
25 after a defection, the wife and mother of the defector came

5 1 to the American Embassy to plead with the Embassy to, I
2 don't know, give their son back or something, I don't know.
3 There had been at that time no precedent. I believe since
4 then there have been one or two similar cases where the family
5 has done this, but I can assure you that no family of any
6 defector is going to be free to go to the American Embassy
7 in Moscow, unless the KGB wants it that way.

8 So, I find the whole family business, from what we know
9 about the family after the defection, very strange.

10 As to their faith, I don't think we do know. At least
11 not at the time I left the operation, I don't think we had
12 any really firm information about whether they had suffered
13 or whether they just had gone ahead with a divorce. I am told,
14 by the way, by some sources, that if a man defects, he becomes
15 automatically an enemy of the state and a divorce is granted
16 automatically.

17 I was told unofficially somewhere in between, after I had
18 left the case, that, if memory serves me, that a divorce had
19 gone through in the Soviet Union.

20 Now, how that is known, I have no idea. Perhaps through
21 Nosenko, perhaps he was notified in some way.

22 Mr. Fithian. I wanted to turn to what seems to me to be
23 kind of a curious situation. I refer to the questions that
24 you say you submitted to the FBI.

25 Just glancing over them, there seems to be several
questions in which the CIA would have just been vitally

6 1 interested in -- how the KGB works against American tourists,
2 for example, any techniques, any process, any procedure or
3 whatever.

4 I don't know, Mr. Klein, I have not reviewed the
5 interviews of the 23rd and the 27th -- I have not had them
6 available to me, so I may just be covering ground that you
7 have already covered.

8 If that is so, Judge, we could save this time.

9 But in the second question listed, the second set of
10 questions that you gave to the FBI, among others in that
11 section was "Describe the routine handling procedure of U.S.
12 tourists to the Soviet Union. Was Oswald's trip handled any
13 differently?"

14 You alluded earlier this morning to the fact that you
15 were always trying to update your files on procedures. It
16 seems to me that you had a potential, at least, a superb
17 opportunity, a person who had worked in this sensitive area,
18 right in the area of one of the important procedures as far
19 as we would be concerned, and that is safeguarding American
20 tourists from being somehow enticed away to become defectors
21 and so on.

22 Am I to believe that you submitted these to the FBI,
23 the FBI did or did not use them, you are not sure, and then
24 subsequently you never really returned to this?

25 Mr. Bagley. No. I don't know how it got included in the

7
1 questions for the FBI for Nosenko because it involves the
2 handling of tourists. We did a very, very systematic debrief-
3 ing of Mr. Nosenko on the subject of the KGB's handling of
4 American and other tourists in the Soviet Union. I must say
5 that if I had to list the information which Nosenko has given,
6 which is valuable, that would be at the top of the list.

7 He had that. He gave it well. We got it out, and we
8 put it into forms which would serve the purposes that you
9 just mentioned, Mr. Fithian.

10 We circulated widely not only to those elements of the
11 United States Government, and even to the American public --
12 I think a version was put out into the public domain. But
13 to foreign liaison services, to our allies who themselves
14 could draw value from knowing the techniques of the KGB
15 control and actions against foreign tourists in the USSR.

16 Yes, indeed, we did that. Why it appears there, I don't
17 know.

18 Mr. Fithian. Another is a question which seems logical
19 enough. If you worked so hard at trying to establish Nosenko's
20 authenticity, it would be likely that they would work equally
21 hard on establishing whether Oswald was bona fide or not.

22 Mr. Bagley. Much, much harder.

23 Mr. Fithian. Did you ever ask Nosenko?

24 Mr. Bagley. Of course.

25 Mr. Fithian. Those questions?

1 Mr. Bagley. I can only say the answer is of course. I
2 don't know what the record shows, but there is no doubt that
3 we at some point showed some -- perhaps it was in the house --
4 but we must have indicated to Mr. Nosenko our disbelief in
5 this disinterest on the part of the KGB.

6 I don't know what the record shows on that, but it was
7 blatant. We were aware of it at the time. It seems almost
8 unthinkable to me that we didn't confront Nosenko with it
9 and ask for an explanation.

10 By the way, I would think that this is one of the many
11 times when he, I won't say clams up, but when he stubbornly
12 opposes the line of questioning by simply repeating what he
13 said before; that is, that it is uninteresting, uninteresting --
14 at which a standard -- I am not sure this happened, I am
15 saying this is the way it would have gone -- we would have
16 said, "Well, that doesn't answer the question."

17 This was an American young ex-Marine coming into your
18 country. He would say, he is unstable. I am sure this was
19 his line of defense against this type of question -- that
20 this man was considered personally unstable, and uninteresting--
21 those words are used over and over again, I believe, in the
22 reports.

23 I think Mr. Klein knows the reports better than I do at
24 this point. But he emphasized that the act of suicide, or
25 attempted suicide, in the first place, showed that the man

1 was unstable, and after that the psychiatric examinations
2 which either were or were not done more or less confirmed
3 this. To believe Mr. Nosenko, this suspended all their
4 procedures.

5 But that the question was asked to him, how is this
6 possible I have no doubt. It must have been.

7 Mr. Fithian. Do you happen to know, just from your own
8 knowledge of Russian operations, whether a person judged
9 unstable, an American who wanted to defect and so on, would
10 have been permitted under Russian law or procedures to marry
11 a Russian citizen?

12 Mr. Bagley. I don't know the answer to that question.
13 I don't know.

14 Mr. Fithian. Do you have any information at all on
15 Marina and any relationship that she had to the KGB in any
16 way, shape or form?

17 Mr. Bagley. None whatsoever. On the contrary, he said
18 she was an uninteresting girl with no character, nothing.
19 I remember this response about Marina.

20 Mr. Fithian. You mean that is Nosenko's?

21 Mr. Bagley. Nosenko's response, as I remember. I am
22 surely not having a failure of memory here, but I know that he
23 must have addressed himself, and that we must have asked him
24 about Marina.

25 His reaction, I know, I remember his statement that she

1 was of no interest. I think it may have been in connection
2 with why did they let her go. Well, she was of no value, no
3 interest, it didn't matter, dumb girl, something of that sort.

4 Mr. Fithian. Let me suspend at the moment. I may not
5 have any more questions. I thought I had one or two more as
6 I walked back over, Judge.

7 Mr. Preyer. Well, I will ask a few, and maybe it will
8 refresh your recollection.

9 When you first brought Nosenko to this country, there
10 was a free period, as you described it, in which he was
11 treated like any other defector.

12 Some of the recent news stories, some of the treatment is
13 quite free indeed, I notice.

14 But you indicated that he resisted normal questioning
15 during the free period. That resistance was more in terms of
16 simply evading your questions? He was not physically trying
17 to evade you?

18 Mr. Bagley. No, no, no, no. It was in terms of
19 evading the questions.

20 Mr. Preyer. But you felt he wasn't responding the way
21 a normal defector during that free period might respond, in
22 the openness with which he would answer questions?

23 Mr. Bagley. Absolutely.

24 Mr. Preyer. Then you went into a period of controlled
25 questioning. He was first confined to a safe house, I

1 gather, somewhere in the general area here.

2 Mr. Bagley. Yes.

3 Mr. Preyer. When was he no longer allowed to use
4 alcohol? Or was there ever any period in which he was never
5 allowed to use alcohol?

6 Mr. Bagley. I would say the entire period of detention.
7 There was never any question of his having any alcohol from
8 the 4th of April onward.

9 Mr. Preyer. So as soon as he went from the free period
10 of questioning to the safe house, controlled period, all
11 alcohol was barred from that time on?

12 Mr. Bagley. Yes, sir.

13 Mr. Preyer. On the question of hallucinations, I think
14 you indicated that he did not suffer from any hallucinations
15 from alcohol. Did he ever have any periods in which he
16 hallucinated, to your knowledge?

17 Mr. Bagley. This is a debated question. You may remember--
18 in the periods when he was alone, not being questioned, he
19 sometimes spoke to himself, and he would tell his guards that,
20 "I see something." That is as I remember the form the
21 hallucinations took.

22 We were both concerned and interested in it. The doctor
23 went to him. He maintained he was hallucinating. This was, I
24 believe, a very limited period. It has been made out as if
25 this took place during periods when he was in face-to-face

1 contact with someone in answering questions.

2 It isn't true. It was strictly noted by the guards and
3 Nosenko himself saying this to them. The doctor, who is a
4 trained psychiatrist, his opinion was that these hallucinations
5 were feigned. I am certainly not qualified to say whether
6 they were or not.

7 So, the answer to your question is I don't know whether
8 he was actually hallucinating or not. I do know that it had
9 nothing whatsoever at any time to do with the question sessions.
10 It had no impact on his answers to any questions that he was
11 ever asked.

12 Mr. Preyer. Well, once controlled questioning began, you
13 have described it as somewhat spartan conditions. I think you
14 have helped restore some balance to this nature of that
15 questioning and confinement.

16 Now, you mentioned on the diet, your comments on that I
17 gather was that there was a deliberate effort to put him on
18 a lean diet, but that that was checked with a doctor.

19 Mr. Bagley. Yes, sir.

20 Mr. Preyer. At regular intervals?

21 Mr. Bagley. Yes, sir.

22 Mr. Preyer. How often did you see Nosenko yourself once
23 he got into a controlled period of questioning?

24 Mr. Bagley. Frequently, during the first period of hostile
25 interrogation. I believe that is all. I participated from
the wings in subsequent questioning, but not directly face-to-

1 face with Nosenko.

2 Mr. Preyer. During the first period, the safe house
3 period, would you see him once a week or once a month?

4 Mr. Bagley. Oh, no. I spoke about the hostile interro-
5 gation. That was daily. That was for the period it lasted. I
6 actually can't remember whether that was a matter of a week or
7 two weeks. It wasn't long. It was a very short period.

8 Then I saw him very frequently indeed at the other side
9 of the table.

10 Mr. Preyer. Well, when he went into what has been
11 described as the bank vault period of questioning, was that
12 the period when you did not see him very often?

13 Mr. Bagley. Well, yes, I did not see him during the bank
14 vault period at all. I did not see him after the first
15 hostile interrogation. I did not see him face-to-face even
16 in the first holding area.

17 In other words, during this summer questioning, the ques-
18 tioning that followed the hostile interrogation, and during
19 the second hostile interrogation, I did not see him. I saw
20 him no more after the month of April 1964.

21 Mr. Preyer. Well, under whose direct control was he at
22 that time, after you no longer saw him face-to-face?

23 Mr. Bagley. Mine. Your question was whether I saw
24 him face-to-face.

25 Mr. Preyer. Yes.

1 Mr. Bagley. But direct control, I would say, in the
2 sense of responsibility for the interrogation and for the
3 handling of the case --

4 Mr. Preyer. These are all people in your division who
5 were seeing him and questioning him daily.

6 Mr. Bagley. Yes, sir.

7 Mr. Preyer. What relation is Mr. ~~A~~ Engleton to your
8 division?

9 Mr. Bagley. They are entirely separate. Mr. ~~A~~ Engleton's
10 counterintelligence staff has a staff role as against an
11 operational or executive role. The Soviet division was the
12 organization within the agency specifically operating
13 against the USSR and the satellites.

14 We would run the cases, handle the defectors, plan and
15 carry out, sometimes through people who were not members of the
16 Soviet division, of course, in the stations abroad.

17 Mr. Preyer. Did Mr. ~~A~~ Engleton ever see him face-to-face
18 during this period?

19 Mr. Bagley. No, sir. Mr. Engleton's role was as the
20 overall agency, the seat of agency expertise in counter-
21 intelligence in general. He kept an eye on these things, and
22 he would have an advisory role.

23 In this particular case, his role was conditioned by the
24 fact that his staff was managing the earlier defector, X.

25 Mr. Preyer. Were you aware of the two lie detector tests

1 tests that were given to him?

2 Mr. Bagley. Yes, sir.

3 Mr. Preyer. Was it two or three?

4 Mr. Bagley. I think three.

5 Mr. Preyer. Three?

6 Mr. Bagley. Yes, sir. Indeed, I was aware of them.

7 Mr. Preyer. Is it accurate that they were given to him
8 with the understanding that he would be told he failed the
9 test whether he did or not?

10 Mr. Bagley. After the test, yes. That is true. The
11 first test given, at the time of his confinement, but before
12 he was told he was going to be confined, he was simply taken
13 and given the test.

14 Now, Mr. Hart has said that here was already an
15 extraneous element added, that somebody, instead of putting
16 on the normal three controls of palm moisture and blood
17 pressure and heart beat, that an additional thing, something
18 to increase his tension, was put on him to allegedly be
19 capable of measuring brain waves.

20 I don't remember that. It is possible. If he has the
21 record that it was done, fine, but I thought that the first
22 lie detector test was given straight, and there was indeed,
23 sir, the intent to tell him that he had failed it, as the
24 means of opening the hostile interrogation, which would
25 confront him with all the collected contradictions in his

1 story and the data from outside his story which indicated that
2 he wasn't what he said he was.

3 Mr. Preyer. You mentioned somewhere in your testimony
4 about the word "disposal" being political jargon, CIA
5 jargon. Disposal does not necessarily mean liquidation in
6 the jargon, or does it?

7 Mr. Bagley. No, sir. I have never heard of the word
8 disposal being used for liquidation. I would like to just add
9 one -- as long as the subject comes up once more -- I would
10 really like to say one more thing about liquidation.

11 I remember some years ago Mr. Helms saying that not only
12 would there be no assassination, murder, liquidation, any
13 kind of what this action which has been in the jargon called
14 executive action, not only would there not be any, but there
15 would not be any discussions or proposals, it would not be a
16 subject fit for human ears within the agency.

17 I have lived my time in the agency under that belief.
18 Like many other officers of the agency were surprised when
19 the publicity came out about someone had contemplated, one or
20 two or three of these political assassinations, they were
21 counter to what I thought was the very specific, explicit
22 policy of the agency.

23 It was unthinkable that anyone could therefore have
24 thought of disposal in those terms.

25 Mr. Preyer. Well, the question of disposal in the sense

1 of resolving this issue in some way must have certainly
2 occurred from -- at increasingly frequent intervals, I would
3 think -- where you have a man in this controlled custody for
4 some five years and where it became, was beginning to become
5 clear that you were not going to get much one way or the other
6 from him.

7 Which gets back to the question of what you referred to
8 as the duped leadership, and the idea that a small handful of
9 you were aware of this, were aware of his treatment, but that
10 no one else was really very aware of what was going on.

11 Would you make periodic reports to somebody from time
12 to time of the progress or lack of progress that was being
13 made?

14 Mr. Bagley. Oh, yes, yes, indeed.

15 First of all, who knew about it is the first thing --
16 the small group we are talking about consisted of everyone on
17 that particular case, that operation, everyone responsible.
18 In other words, for the interrogation of Nosenko and the
19 investigation of his leads, and the use of his information
20 for whatever purpose within our agency, which meant primarily
21 certain elements of the Soviet division, Soviet bloc division.

22 It involved the counterintelligence staff, as I mentioned,
23 because of their advisory function in counterintelligence
24 matters. In that case it meant the chief of staff and those
25 members that he delegated to be aware of this, and there were

1 several.

2 It meant the Office of the Chief of the Clandestine
3 Services, known then as the Deputy Director for Plans, and
4 since changed to the Deputy Director for Operations, I believe,
5 the DDO, his office and the assistant DDO office, DDP, at that
6 time -- the assistant DDP's office, and those members of
7 that office who needed to cope with the paper.

8 On upward to the office of the, I guess -- my dates may be
9 a little fuzzy -- but I think the then Deputy Director of the
10 agency, then Deputy Director of Central Intelligence, Mr.
11 Helms.

12 It goes without saying if we are sending the doctor out
13 to check him next week, or if we are planning to interrogate
14 him on a certain subject, or if we are talking about making --
15 giving him or not giving him books to read, or things like that,
16 that we would never go to Mr. Helms about that.

17 But if we were planning an interrogation session on a
18 certain subject, or planning something that was substantive,
19 or if a certain amount of time had passed, and it was just
20 time to check in, Mr. Helms was always available, as I think
21 he has testified.

22 He was always available. Surely, as I read what he said,
23 I think what he said was a very accurate reflection of what
24 was really going on. In other words, he got some of it, but
25 by no means all of it.

1 He wouldn't have known that the man was hot or cold. If
2 the man had been -- if that had been a matter of policy, to
3 make the man hot or cold, he most surely would have known
4 about it. But the various little aspects of this holding
5 certainly would not have been brought to his attention
6 routinely. They would have been brought to the attention of
7 whoever was concerned.

8 There was a lot of consultation in advance. There was a
9 lot of periodic consultation -- staff meetings, I suppose you
10 would call it -- on the subject. As you say, sir, there was
11 increasing concern as time went on because I felt that Mr.
12 Helms was always aware, (a) that what we were doing was legal
13 but, (b) that it became more and more sensitive as time went
14 on and this couldn't go on indefinitely.

15 He was as interested as he could be because he understood
16 the implications behind this operation, which were immense,
17 and they went way beyond Mr. Nosenko. They went to several
18 other operations, several other Soviet intelligence people
19 who were in touch with us in one way or another.

20 The implication underlying it clearly pointed at serious
21 matters. Not only that Mr. Oswald may have been a Soviet
22 agent, but also that there would be penetration in the U.S.
23 Government.

24 It followed logically as an implication of the fact that
25 Nosenko could have been sent -- and by the way, could have

1 told us a false story about his career. I think that is a
2 very menacing little piece of information because if he can lie
3 to us about a key job during a key period, it would suggest
4 to me that the KGB knows that we are unable to check on this,
5 which I find disturbing.

6 Mr. Preyer. Well, you categorically deny, then, any
7 implication that this was the treatment that Nosenko, and
8 was known to only a handful, five or six people in the agency,
9 and that they were deliberately -- I think this is at least an
10 implication from the testimony -- deliberately hiding it from
11 the upper echelon of the CIA for fear that the planted agent
12 might get wind of it.

13 Mr. Bagley. I certainly do categorically deny that.
14 There was -- it is fiction. Within the agency, it always
15 works on the need to know, and some operations are kept tighter
16 than others. But a defector in our hand, unfortunately by the
17 very nature of things, can't be very tightly held.

18 The number of people who knew about the case and generally
19 about what was going on were -- was appropriate. I would say
20 there were in our division alone, there must have been five or
21 six people directly talking to Nosenko. Plus those that were
22 supporting them at the desk, and plus the leadership of the
23 division, plus all these elements of the counterintelligence
24 staff.

25 We are talking about a multiple of the five or six you are

1 speaking of. It was done as any such operation would be done
2 in the agency.

3 In other words, all who had any responsibility would
4 know about it. All who had any responsibility for that
5 particular line of work.

6 Mr. Preyer. This question might be an invasion of privacy.
7 If you don't want to answer it, don't answer it. I am just
8 curious as to your general political views -- whether you are
9 a liberal or conservative. I ask that because knowing some of
10 your relatives, and knowing their views, they are hardly what
11 would be known as hard line conservatives.

12 There has been some implication that this group controlling
13 Nosenko was a very hard line group. I don't know whether you
14 want to comment on what your political views are.

15 Mr. Bagley. Oh, yes, I would welcome that. Insofar as
16 the tradition, family and otherwise, it certainly has been
17 liberal indeed.

18 My line of work has kept me apart from active political
19 life in the United States, so I haven't identified myself in
20 any way. But, I would certainly consider myself very strongly
21 middle of the road.

22 Then we come to the whole question of being anti-Soviet or
23 not. To say that I am hard line anti-Soviet, anti-KGB,
24 anti- -- well, that is enough -- Soviet and KGB I most
25 assuredly am. I think -- I make remarks here which I think

1 even looking at them now seem fairly firm about what the KGB
2 is up to in terms of deception and subversion.

3 I have been exposed to the people who are doing it for
4 a very long time, and none of them has ever given any other
5 view of what the KGB is up to. That is just as much 1978
6 as 1962 or 1958 or 1952, before the death of Stalin. Nothing
7 has changed the basic thrust of the KGB's work against this
8 country.

9 I found it tremendously rewarding as a career to be able
10 to focus on what was very clearly the enemy of our country,
11 outside enemy of our country, rather than some of these
12 Third World things which have caused such, well, really
13 confusion in the motivations of some of the men that have had
14 to work with them.

15 I consider not that I would have been -- I might have
16 shared some of these feelings, and I might have taken -- might
17 have fallen on either side of the fence in those operations
18 where we were supporting a government or a political party
19 in certain Third World areas.

20 I don't know how I would have felt about it because I
21 didn't have to. So, I consider myself more lucky than anything
22 else to have avoided that. But certainly the group who were
23 exposed to KGB officers day in and day out, whether as
24 adversaries or as defectors, are extremely anti-Soviet.

25 I believe, by the way, that that permits me to be in

1 American political terms a liberal.

2 Mr. Preyer. Yes, I think Mr. Moynihan and Ben Wattenberg
3 and a number of people of that sort would agree with you on
4 that.

5 Did you ever talk to Mr. Epstein?

6 Mr. Bagley. Yes.

7 Mr. Preyer. About his book?

8 Mr. Bagley. Yes. Mr. Epstein has made that clear
9 publicly and I think there are certain things in the book
10 which make that clear, too.

11 Mr. Epstein got from others the basic outlines of the
12 Nosenko story, and then made an approach to me, and I of
13 course refused to talk to him.

14 Later he came back, a few months later, and with a long
15 letter telling me some of the things he knew, which were
16 things which I would never have thought could have gotten into
17 the public domain. At which point I did accept to see him and
18 he, without my saying a word, exposed exactly what he had and
19 what he was doing and showed me what he was going to write,
20 which was in its broad lines the general story of the
21 Nosenko case and in its details full of confusion and
22 inaccuracies.

23 So, the primary help that I gave to Mr. Epstein on that
24 book was to insure that at least the errors were not in
25 there, and that this book, which was going to be the first

1 time that the Nosenko story was going to become public, that
2 at least there would not be egregious errors. There are some
3 errors of emphasis which Mr. Fithian has pointed out, which I
4 happen to agree with. But that is entirely Mr. Epstein's
5 business, how he chooses to interpret what he hears.

6 Several of the things are wrong, and I gather they have
7 even been accepted by the CIA. For example, Mr. Epstein
8 insisted that there was some sort of a cleansing, of purposeful
9 cleansing of the Soviet operations of the CIA, and people
10 like myself and the chief of the Soviet division were got
11 rid of.

12 I explained to him at the time, I said I didn't think
13 that should get into his book because that was incorrect.
14 I told him how I had gotten my assignment abroad, and how I
15 justified my leaving my headquarters position.

16 I happen to know the way in which the chief of the
17 division got his overseas assignment. It had nothing to
18 do with any such plot.

19 I think in retrospect that we would have both done
20 better to stay here and be purged, if purging was in the mill.
21 In fact, it did, our assignments abroad did occur in the normal
22 course of events. Mr. Epstein put it different.

23 There are two or three things like that, interpretaions
24 which I most assuredly don't share. But the facts that Mr.
25 Epstein has in the book are generally accurate.

1 Mr. Preyer. Thank you.

2 Mr. Fithian?

3 Mr. Fithian. Thank you, Mr. Chairman.

4 Mr. Bagley, do you think that the CIA did all it could to
5 cooperate with the Warren Commission?

6 Mr. Bagley. Yes, I do, because -- my exposure to it was
7 by the way a minor one. I think -- I know -- on one of these
8 occasions -- it hasn't emerged in the record, and perhaps it
9 will, but I thought I had actually gone over once with Mr.
10 Helms to the commission.

11 It was at a time when Mr. Helms was making a statement --
12 when Mr. Helms was telling -- I think it is one of these
13 things that has come out in all this testimony. My exposure
14 to it was practically nil. I don't know, but the impression
15 I get is that every effort within the agency, in every corner
16 of the agency was to dig out everything we could that could
17 possibly help the Warren Commission in its job.

18 I am absolutely convinced of that. But I do stress that
19 I am not in a position to judge because it was the counter-
20 intelligence staff that centralized the activity and all. But
21 I know that our people dug and dug and dug.

22 For example, in my section at the time, an officer went --
23 we thought what can we do, how can we use the files of the
24 CIA to contribute in any way. We decided to have a look at
25 the photograph file of the agency, which is a rather extensive
thing, and see just what Minsk looked like, and what we could

1 see, the places that were in Oswald's life, in Oswald's back-
2 ground.

3 It was a member of my section who dredged up, out of files
4 of the CIA, a tourist picture which showed Oswald in front of
5 I believe the opera house. It was one of those columned
6 buildings. There was a tourist group, and there was Oswald.

7 This fellow came up to me and said, look, I have been
8 looking through pictures of Minsk and doesn't this look funny
9 to you, and showed me this picture, and that was him.

10 That document, of course, is a part of the Warren
11 Commission report. In other words, we were doing everything
12 we could think of to do to help the Warren Commission.
13 Absolutely good faith.

14 Mr. Fithian. I am curious. At the very outset Nosenko
15 appears to be a fraud -- that is pretty harsh, but I will let
16 it stand. Assuming that was your interpretation, assuming
17 you didn't get anything to persuade you that you were wrong,
18 isn't five years a long investment in somebody that you
19 thought was a fraud?

20 Mr. Bagley. What do you mean by investment, Mr. Fithian?

21 Mr. Fithian. Time, money, resources, commitment.

22 Mr. Bagley. No, sir. For what that meant, that case is
23 potentially the most important and the most interesting
24 operation possible, because as I say the implications under-
25 lying it -- had we been able to prove, which we never were --

1 we were certainly able to give operational indications and
2 enough to draw -- operational conclusions at least as a basis
3 for further activity or investigations. But we were not able
4 to prove that this man was a sent KGB agent.

5 Had we proved it, all of those implications would have
6 come to the surface and would have been investigated, and I
7 think the security of the United States would have been the
8 better for it. So, I don't think this investment was too great

9 By five years, you are presumably --

10 Mr. Fithian. Is that longer than you worked with any
11 other defector?

12 Mr. Bagley. Well, it is absolutely unique in the sense
13 that there was no other defector that we gave either that much
14 attention to or that type of attention to.

15 Mr. Fithian. But you concluded, didn't you, that he really
16 wasn't a very important person in the KGB?

17 Mr. Bagley. I conclude that he may never have served
18 properly within the KGB. That he was sent by the KGB to pose
19 as a KGB agent there is no doubt. He is not a fabricator,
20 he is not somebody who pretends to be just on his own. He
21 had detailed knowledge of KGB operations, which he claimed to
22 have been part of his knowledge as an officer.

23 Mr. Fithian. Is he the only person in your whole span
24 that falls in that category?

25 Mr. Bagley. No, sir.

1 Mr. Fithian. That is, he was sent by the KGB?

2 Mr. Bagley. No, sir, he is not.

3 Mr. Fithian. Well, then, I kind of repeat, if that is
4 your conclusion, and if you thought him designed to mislead
5 you to start with, you still don't think that much investment
6 of time and resources and so forth is --

7 Mr. Bagley. No, very much not so.

8 If you know the man or you can make the operational
9 assumption that the man is being sent against you, as we just
10 have for purposes of this discussion, you can read it in
11 reverse and find out what really lies behind this mission
12 of the KGB.

13 Those indications are very, very interesting. They are as
14 good as a look inside the KGB files.

15 By the way, I won't digress here for very long, but I
16 do want to give you an example to illustrate my answer.

17 end Mills
18 8:35 p.m.

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1 Mr. Bagley. In the invasion of Normandy, 1944, there was
2 a large, tremendous investment in deception by which the Germans
3 were led to believe the main thrust of the invasion would fall
4 on the Pas de Calais region instead of Normandy. Under General
5 Patton an invasion unit was set up. All the radio communications
6 which would accompany an army group were set up in trying to
7 fool the Germans in making them think there was a group there.
8 There were landing craft much too far away to participate in
9 the Normandy invasion. The result was the Germans were fooled
10 and when the invasion struck in Normandy, I believe it was the
11 17 German ^{Army} groups were held at Pas de Calais because the
12 Germans believed the Normandy invasion was a diversion. They
13 held the force there and as you know, the landing was nip and
14 tuck for 4 days. Had that German force in the north been able
15 to be present at the landing beaches, it's possible the invasion
16 would have failed.

17 The problem is, had the deception been known to the Germans
18 as a deception, it would have told them that first of all, the
19 First U.S. Army Group doesn't exist, and second, that the diver-
20 sion was toward the Pas de Calais to the north, and there was
21 only one other place for the invasion, and that was Normandy.

22 In other words, the perception of the allied deception
23 would have been a spectacular piece of intelligence for the
24 Germans. I don't necessarily want to put this thing on the same
25 scale as Normandy, but it has all the same effect. If a

1 perception is perceived it can be turned against the deceiver,
2 and that is, in my opinion, what we did so long as we made the
3 operating assumption Nosenko was sent. In other words, I do
4 believe it was a valuable expenditure of time.

5 Mr. Fithian. You think the mistake to depart from that
6 interpretation was a serious one?

7 Mr. Bagley. Very. More important in terms of lost
8 opportunities than the things I speak about in my prepared
9 testimony about the exposure of personnel to him. I think it's
10 bad enough to bring him onto the premises and let him talk to
11 counterintelligence trainees. I think it a very bad mistake to
12 let him talk to our foreign liaison agents without informing
13 him there is a body of evidence suggesting he is no good. I
14 don't know exactly what they are doing, but in Mr. Helms'
15 testimony I found an indication, a statement that he was of
16 value to current counterintelligence investigations. It suggests
17 to me that current information, current activities are being
18 exposed to him. I think that is a mistake.

19 Mr. Fithian. You say in your letter to the committee, in a
20 paragraph you say if Nosenko is a KGB plant there can be no
21 doubt that Nosenko's recited story about Oswald and the USSR is
22 a message from the KGB. Then you say by sending out such a
23 message, the KGB exposes the fact it has something to hide.

24 As Mr. Helms told you, that something may be the fact that
25 Oswald may be an agent of the KGB.

1 Do you have an opinion, and if so, will you provide the
2 basis for your opinion, on two things: 1, the likelihood of
3 that; and, 2, I am struck by the use of the word "fact" -- that
4 conveys to me a very strong impression.

5 Mr. Bagley. That was probably not the very best word I
6 could have chosen. It was meant to be softened by the verb,
7 which was "may" -- one of these messages "may" have been the
8 fact that. It was not meant it was a statement of fact. It
9 just follows -- perhaps I can put that more ^{Felicitously} ~~solicitously~~ by
10 saying it would hide the possibility -- instead of saying the
11 operation would hide the fact, say the message hides the
12 possibility that this man is or could have been a Soviet agent.
13 By a "Soviet agent" I don't mean a Soviet assassination agent.
14 I mean something quite different.

15 Mr. Fithian. I was just asked by Congressman Dodd's staff
16 to follow up on this, whether or not you would rule out the
17 possibility that even though the KGB had nothing to do with the
18 assassination that they would spend this kind of energy or
19 effort personally to convince us they had nothing to do with it.

20 Mr. Bagley. I think it entirely conceivable. If you ac-
21 cept the hypothesis, the supposition, the speculation that in
22 fact they had something to hide and that something might have
23 been perhaps he had a code name, perhaps he was a sleeper agent,
24 they obviously couldn't expect as much from him coming back to
25 the United States with a Soviet wife, they couldn't expect him

1 to be elected President, but at the same time, they may have
2 said, "We will get in touch with you in time of war," or they
3 may have recruited him by saying, "We will get in touch with you
4 by the following procedures." This is pure speculation.

5 But then if he is on their rolls as a sleeper agent or for
6 wartime sabotage or something of that sort, they would be
7 absolutely shocked to hear their man had taken it upon himself
8 to kill the American President. I would think their reaction
9 could very well be of the sort you suggest. They might indeed
10 change the mission of another man of another operation in order
11 to get this message over to us that they really had nothing to
12 do with it.

13 The only thing I am quite sure of, I don't want to tell you
14 what I think is behind us, because I really don't know, but I am
15 quite sure of one thing, and that is that it's not true. That's
16 all, it's not true, they didn't speak to him, that the KGB
17 didn't speak to Oswald in the Soviet Union, that is not true, by
18 all logic, by everything we know. I can't prove that, and I am
19 not making that as a statement of hard fact, but certainly
20 within the framework of my knowledge of the Soviet Union and the
21 KGB it is not true.

22 Mr. Fithian. Mr. Chairman, you will be happy to know I
23 only have two more questions.

24 Mr. Hart says rather flat out that there was a direct
25 conflict between the two agencies as to interpretation of whether

1 or not Nosenko was bona fide. He indicates the FBI thought
2 Nosenko was bona fide when he arrived and that the CIA assumed
3 he was a plant when he arrived. Is that accurate?

4 Mr. Bagley. Again, I don't like the word "assumed," but
5 changing that word "assumed" to "suspected" I would certainly
6 say yes.

7 Now I don't know the FBI part of it, either. They had no
8 basis to make such a judgment and they had no stake in it, as
9 far as I can tell. They had a source coming here who had told
10 them about a few Americans who had been recruited as tourists in
11 the Soviet Union, he had a good knowledge as to how the Soviet
12 Union recruited tourists who have been useful to the FBI. But
13 they didn't get into as many fields as we did because Nosenko
14 was a Moscow-based officer.

15 Mr. Fithian. One other question. Is it totally unreason-
16 able to speculate that the Agency might be in the process of
17 leading Nosenko on at this point, using him even now to pass
18 false information along to the Soviets?

19 Mr. Bagley. May I ask your third word there, I think you
20 said "totally" --

21 Mr. Fithian. "Totally unreasonable."

22 Mr. Bagley. Totally excluded, no, it's not totally excluded
23 because I don't know. I have not been in the Agency and such
24 people within the Agency who have talked with him make me
25 believe it's not so.

1 Mr. Fithian. I was trying to look for other alternatives
2 for the Agency to bristle so intensely as to send over Mr. Hart
3 and sort of throw up the smokescreen and get the Agency in the
4 worst possible light as far as the newspapers are concerned.
5 The whole scenario is so totally unthinkable that I am puzzled.

6 Mr. Bagley. The only thing I can say is if they were
7 working on the basis of a hypothesis or knowledge which is most
8 concretely and specifically represented by myself, it would seem
9 to me not terribly unreasonable to let me know that instead of
10 doing what they did to me here.

11 Therefore, all my instincts tell me that isn't it at all.

12 Mr. Fithian. You might be expendable?

13 Mr. Bagley. Yes, but they must get some use out of me
14 before they dispose of me.

15 Mr. Fithian. On page 39 of your testimony I would like for
16 you to look at that again. This is my last point, Mr. Chairman.

17 Down at the last full paragraph, which starts with "How-
18 ever," skipping the first part and dropping down to "Mr. Hart and
19 Admiral Turner may frivolously dismiss them as they have done
20 before your committee but the doubts are still there and it's
21 irresponsible to expose clandestine personnel to this individual."

22 The doubts you refer to are the doubts about Nosenko's
23 authenticity.

24 I guess my question is, do you want to close out the record
25 standing by that statement?

u7 1 Mr. Bagley. Well, I must admit your calling attention to
2 that -- is it the word "frivolously"?

3 Mr. Fithian. Both the words "frivolously dismiss them" and
4 the subordinate charge that they are acting frivolously.

5 Mr. Bagley. I would be happy because of the emotions
6 involved in the word to retract the word "frivolously." Quite
7 happy. But I suppose it has come through my testimony and what
8 I have said in answer to your questions that I find the use of
9 this man, the positive use of this man vis-a-vis innocents, such
10 as trainees, terribly bothersome.

11 I know -- I don't think -- I know that the people who are
12 exposed to Nosenko in counterintelligence training are not
13 told -- they know there was doubt, but they are being specifical-
14 ly told, as Admiral Turner pointed out in a memo and as Mr. Hart
15 has indicated here, was the work of halfwits. If this man is a
16 Soviet agent and has a mission for the KGB in this country it's
17 a poor way to have some young man begin his career, to be ex-
18 posed to him.

19 Mr. Fithian. In an irresponsible way? I am getting to the
20 tremendous charge involved in this paragraph.

21 Mr. Bagley. I appreciate your concern about that and of
22 course to the contrary I think you are being -- Mr. Fithian, and
23 may I ask you for a word, because I think you have offered me an
24 opportunity to withdraw my word from the testimony and I'm
25 certainly not going to say no. Knowing now exactly what I meant

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1 by that, can you think of -- perhaps "I think it wrong to
2 expose" -- perhaps that should be the phraseology there.

3 Mr. Fithian. I hate to put words in your mouth, but Mr.
4 Hart and Admiral Turner may dismiss them. To say "frivolously
5 dismiss them" might do the Admiral injustice here. Maybe Mr.
6 Hart's statement before the committee may well constitute, you
7 know, frivolous treatment or something, I was pretty provoked by
8 it myself.

9 Then the second, that it's irresponsible -- it's an error
10 to expose.

11 Mr. Bagley. I very definitely will withdraw the word
12 "irresponsible."

13 Mr. Fithian. That is in my reading such a terribly serious
14 charge against the Director --

15 Mr. Bagley. I accept your comment with appreciation.

16 Mr. Fithian. Mr. Chairman, I have no further comments. I
17 would like to say this: I enormously appreciate our witness'
18 time and patience with us in this matter. I think it has been
19 just to me, as an individual Member of the House, just tremen-
20 dously helpful, perhaps one of the better days I have had on
21 the committee.

22 Mr. Bagley. Thank you.

23 Mr. Preyer. I might just ask one more question which might
24 be more a comment.

25 You raise the question of what the explanation of Mr. Hart's

1 testimony was, Mr. Fithian, that where we seem to get a minimum
2 amount of information about Lee Harvey Oswald, which is what we
3 were after, and a maximum amount as to Mr. Nosenko's bona fides
4 in a wide intelligence sense, would one explanation be, could it
5 be it was simply the CIA's answer to Mr. Epstein's book, which
6 was current at the time, very much in the news, and in that
7 book, you are left with the thought there is a mole in the CIA?

8 If you accept Mr. Epstein's thinking, they may have thought
9 it worth a little bad publicity temporarily if it would kill
10 the idea there was a possible mole in the CIA?

11 Mr. Bagley. I would say no one I have talked to has had
12 that reaction to what Mr. Hart did. But on the contrary they
13 are aghast and confused by it. I don't think it laid anything
14 to rest. Now, it could very well have been the motive. I have
15 even looked at the motive of their, in a sense, punishing me for
16 having helped Mr. Epstein. I have used the analogy of somebody
17 using a blow on the head, shoots himself in the foot. I don't
18 believe they have helped their cause very much by this sort of
19 reaction.

20 Mr. Preyer. Mr. Klein, do you have any further questions?

21 Mr. Klein. No, I don't, Mr. Chairman.

22 Mr. Preyer. Mr. Bagley, when a witness has concluded his
23 testimony, under our rules, he is entitled to make a statement
24 for 5 minutes on any subject that may have come up that he wishes
25 to clarify or anything further he wishes to say, if there is

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1 anything further you wish to add at this point, we will
2 recognize you for 5 minutes for that purpose.

3 Mr. Bagley. Well, Mr. Fithian has made a kind remark and
4 I would like to reciprocate, not as a reciprocation but from the
5 beginning of your work, I got hold of both Mr. Hart's testimony
6 and the staff's work and was deeply impressed with the quality
7 of the work of the committee. I have today been treated with
8 immense courtesy and interest and knowing full well at your
9 regular schedule, at a time when you are pressed with some
10 other things, not the least being the King matter, I am awed,
11 impressed, and deeply appreciative that you should have given
12 me the time.

13 As you know, I wanted to come and answer those charges, but
14 I also wanted to make some points which I felt important which I
15 do think are pertinent to your mission.

16 Nevertheless, whether they are or not, you have received me
17 with great courtesy and I appreciate it enormously.

18 Mr. Preyer. Your testimony has been helpful and your
19 testimony can add to our knowledge in this area. We appreciate
20 your being here.

21 If there is nothing further, the committee stands adjourned.

22 (Whereupon, at 4:55 p.m., the committee was adjourned, to
23 reconvene upon the call of the Chair.)

24

25